

EXECUTIVE JOURNAL.

FORTY-FOURTH SESSION.

FRIDAY, DECEMBER 21, 1821.

The four following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Hugh Lawson White, of Tennessee, William King, of Maine, and Littleton Walter Tazewell, of Virginia, to be Commissioners under the 11th article of the treaty of amity, settlement and limits, between the United States and his Catholic Majesty.

Henry Janson, Jun., of the kingdom of Norway, to be Consul of the United States for the port of Chistiansandt, in Norway, vice Peter Isaacson, removed.

Elias Glenn, of Maryland, to be Attorney of the United States for the district of Maryland.

Francis Columbus Fenwick, of Maryland, to be Consul of the United States for the port of Nantz, in the kingdom of France.

John Pegram, of Virginia, to be Marshal in and for the Eastern district of Virginia.

Jesse Moore, Daniel Bussard, Walter Newman, and James Ord, of the District of Columbia, to be Justices of the Peace for the county of Washington, in the said District.

Thomas P. Devereaux, of North Carolina, to be Attorney of the United States for the district of North Carolina.

Alexander Burton, of Pennsylvania, to be Consul of the United States for the port of Oporto, in Portugal.

Jeremiah Cuyler, of Georgia, to be Judge of the United States, in and for the district of Georgia.

John Godfrey Boker, of Ramscheid, to be Consul of the United States, for the Prussian provinces of the Rhine, to reside at Ramscheid.

Robert Monroe Harrison, to be Consul of the United States for the Island of St. Bartholomews.

Tobias Watkins, of Maryland, to be Secretary to the Commission under the 11th article of the treaty of amity, settlements, and limits, between the United States and his Catholic Majesty.

Joseph Forrest, of the District of Columbia, to be Clerk to the Commission under the 11th article of the same treaty.

JAMES MONROE.

December 19th, 1821.

To the Senate of the United States:

I nominate the following persons to the offices respectively attached to their names:

Robert Stanard, to be District Attorney for the Eastern district of Virginia.

Charles J. Ingersoll, to be District Attorney for the Eastern district of Pennsylvania.

George Read, Jun., to be District Attorney for the District of Delaware.

John C. Wright, to be District Attorney for the district of Ohio.

Bela Metcalf, to be District Attorney for the district of Mississippi.

James Brobson, to be Marshal for the district of Delaware.

Paul Bentalou, to be Marshal for the district of Maryland.

Morton A. Waring, to be Marshal for the district of South Carolina.

John T. Mason, to be Marshal for the district of Kentucky.

Ebenezer K. Dexter, to be Marshal for the district of Rhode Island.

William B. Irish, to be Marshal for the Western district of Pennsylvania.

Roger C. Weightman, Justice of the Peace for the county of Washington, in the District of Columbia.

JAMES MONROE.

December 20th, 1821.

To the Senate of the United States:

I nominate William M. Armstrong, and William F. Shields, Midshipmen, to be Lieutenants in the Navy of the United States, and to take rank from the 3d March, 1821.

Waters Smith, of New York, and George Balfour, of Virginia, Acting Surgeon's Mates, to be Surgeon's Mates in the Navy of the United States.

JAMES MONROE.

December 19th, 1821.

To the Senate of the United States:

I nominate Elnathan Judson, Acting Surgeon, to be Surgeon in the Navy, his commission to bear date the 27th day of March, 1818.

JAMES MONROE.

December 19th, 1821.

The messages were severally read; and

On motion,

Ordered, That the nominations to Naval appointments be referred to the Committee on Naval Affairs, to consider and report thereon.

Ordered, That the nominations to the office of Marshal, with the exception of that of William B. Irish, and the nominations to the office of District Attorney, be referred to the Committee on the Judiciary, to consider and report thereon.

Ordered, That the nominations to the office of Justice of the Peace, be referred to the Committee on the District of Columbia, to consider and report thereon.

Ordered, That the nominations to the office of Consul, be referred to the Committee on Foreign Relations, to consider and report thereon.

MONDAY, DECEMBER 24, 1821.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I transmit to the Senate, a treaty recently concluded with the Indian tribes at Chicago, with the papers relating thereto, which is submitted for consideration as to its ratification.

JAMES MONROE.

December 24th, 1821.

The message and treaty were read.

Ordered, That the treaty pass to a second reading.

The following written message was also received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate John Dangerfield, of Virginia, to be Collector of the Customs for the port of Tappahannock, in the State of Virginia.

JAMES MONROE.

December 24th, 1821.

The message was read.

Ordered, That it lie for consideration.

The Senate took into consideration the message of the 21st instant, nominating Hugh L. White, and others, to offices; and

Resolved, That they do advise and consent to the appointments of Hugh L. White, William King, Littleton W. Tazewell, Tobias Watkins, and Joseph Forrest, agreeably to the nominations respectively.

THURSDAY, DECEMBER 27, 1821.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Langdon Cheves, John Connelly, and Pierce Butler, of Philadelphia, Charles E. Dudley, of New York, and James Wilson, of Baltimore, to be Directors of the Bank of the United States, for the ensuing year.

JAMES MONROE.

December 26th, 1821.

The message was read.

Ordered, That it lie for consideration.

The Senate proceeded to consider the message of the 24th instant, nominating John Dangerfield to office; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

On motion,

Ordered, That the treaty with the Ottawa, Chippeway, and Potawatamie nations of Indians, be referred to the Committee on Indian Affairs, to consider and report thereon; and that it be printed for the use of the Senate, under an injunction of secrecy.

MONDAY, DECEMBER 31, 1821.

The Senate proceeded to consider the message of the 27th December, nominating Langdon Cheves, and others, to be Bank Directors; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively.

WEDNESDAY, JANUARY 2, 1822.

Mr. Pleasants, from the Committee on Naval Affairs, to whom was referred certain nominations to appointments in the Navy, reported on the nominations of William M. Armstrong, William F. Shields, and Elnathan Judson. Whereupon,

Resolved, That the Senate do advise and consent to the appointments of William M. Armstrong, and William F. Shields, agreeably to the nominations respectively.

On motion,

Ordered, That the nomination of Elnathan Judson be postponed to Monday next.

Mr. Barbour, from the Committee on the District of Columbia, to whom was referred the nominations of Jesse Moore, Daniel Bussard, Walter Newman, James Ord, and Roger C. Weightman, to be Justices of the Peace, reported. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Mr. King, of New York, from the Committee on Foreign Relations, to whom were referred the nominations of Henry Janson, Jr., Francis C. Fenwick, Alexander Burton, John G. Boker, and Robert M. Harrison, to be Consuls, reported. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

MONDAY, JANUARY 7, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary, on the 4th instant.

To the Senate of the United States:

I transmit to the Senate, a treaty of peace and amity, concluded between the United States and the Dey and Regency of Algiers, on the 23d of December, 1816.

This treaty is, in all respects, the same in its provisions with that which had been concluded on the 30th June, 1815, and was ratified by and with the advice and consent of the Senate, on the 26th of December of that year, with the exception of one additional and explanatory article.

The circumstances which have occasioned the delay in laying the present treaty before the Senate, for their advice and consent to its ratification, are, that having been received in the spring of the year 1817, during the recess of the Senate, in the interval between the time when the Department of State was vacated by its late Secretary, and the entrance of his successor upon the duties of the office, and when a change also occurred of the Chief Clerk of the Department, it was not recollected by the officers of the Department that it remained without the constitutional sanction of the Senate, until shortly before the commencement of the present session. The documents explanatory of the additional articles are likewise herewith transmitted.

JAMES MONROE.

December 30th, 1821.

The message, treaty, and accompanying documents, were read.

Ordered, That the treaty pass to a second reading.

The three following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate the persons whose names are stated in the enclosed list, for the appointments therein respectively proposed for them.

JAMES MONROE.

January 7th, 1822.

William B. Tyler, Collector of the Customs for the district, and Inspector of the Revenue for the port of Dumfries, Va.

James McCulloch, Collector of the Customs for the district of Baltimore.

Thomas Nelson, jr. Collector of the Customs for the district, and Inspector of the Revenue for the port of Yorktown, Va.

Mark Harden, Collector of the Customs, and Inspector of the Revenue for the district of St. Marks, E. F.

John Rodman, Collector of the Customs for the district of St. Augustine, East Florida.

Asa Andrews, Collector of the Customs for the district, and Inspector of the Revenue for the port of Ipswich.

Silas Crane, Collector of the Customs for the district, and Inspector of the Revenue for the port of Little Egg Harbor.

Levi Fagan, Collector of the Customs for the district, and Inspector of the Revenue for the port of Plymouth, N. C.

Thomas Cook, Sr. Collector of the Customs for the district, and Inspector of the Revenue for the port of Edgartown.

Walter Bradley, Collector of the Customs for the district, and Inspector of the Revenue for the port of Fairfield, Con.

Thomas H. Blount, Collector of the Customs for the district, and Inspector of the Revenue for the port of Washington, N. C.

Benjamin Crowninshield, Collector of the Customs for the district of Marblehead.

Reuben Moores, Collector of the Customs for the district of Hudson, Ny.

Archibald Clark, Collector of the Customs for the district, and Inspector of the Revenue for the port of St. Mary's, Ga.

William Woodbridge, Collector of the Customs for the district, and Inspector of the Revenue for the port of Detroit.

George Washington Biscoe, Collector of the Customs for the district, and Inspector of the Revenue for the port of Nottingham, Md.

Almon Gibbs, Collector of the Customs for the district, and Inspector of the Revenue for the port of Miami, Ohio.

Thomas H. Cushing, Collector of the Customs for the district, and Inspector of the Revenue for the port of New London.

Robert Fleming, Collector of the Customs for the district, and Inspector of the Revenue for the port of Niagara.

Gideon Leeds, Collector of the Customs for the district, and Inspector of the Revenue for the port of Great Egg Harbor.

Peter P. Ferry, Collector of the Customs for the district, and Inspector of the Revenue for the port of Sandusky.

Stephen Thatcher, Collector of the Customs for the district, and Inspector of the Revenue for the port of Passamaquoddy.

Adam D. Stewart, Collector of the Customs for the district, and Inspector of the Revenue for the port of Michilimackinac.

Martin T. Morton, Collector of the Customs for the district, and Inspector of the Revenue for the port of Nantucket.

John B. Roberts, Collector of the Customs for the district, and Inspector of the Revenue for the port of East River, Va.

Timothy Upham, Collr of the Customs for the district of Portsmouth, New Hampshire.

Samuel Brown, Naval Officer for the port of Providence, R. I.

Walter Nichols, Naval Officer for the port of Newport, R. I.

William S. Smith, Naval Officer for the port of Pensacola, W. F.

John S. Cogdell, Naval Officer for the port of Charleston, S. C.

Joseph S. Pelot, Naval Officer for the port of Savannah, Ga.

Elijah Hall, Naval Officer for the district of Hampshire.

William Mitchell, Surveyor and Inspector of the Revenue for the port of Swansborough.

Elijah Palmer, Surveyor and Inspector of the Revenue for the port of Stonington.

Richard S. Hackley, Surveyor and Inspector of the Revenue for the port of St. Augustine.

Charles Jenkins, Surveyor and Inspector of the Revenue for the port of Pensacola.

Jonathan Smith, Surveyor and Inspector of the Revenue for the port of Beverly, Massachusetts.

John G. Mawney, Surveyor and Inspector of the Revenue for the port of E. Greenwich.

Richard Ferguson, Surveyor and Inspector of the Revenue for the port of Louisville, Kentucky.

James Morgan, Surveyor and Inspector of the Revenue for the port of Murfreesborough.

James Ladd, Surveyor and Inspector of the Revenue for the port of Portsmouth, N. H.

Elbridge Gerry, Surveyor and Inspector of the Revenue for the ports of Boston and Charlestown.

Hezekiah Prince, Surveyor and Inspector of the Revenue for the port of Thomaston.

Joseph Carr, Surveyor and Inspector of the Revenue for the port of Bangor.

Josiah Townsend, Surveyor and Inspector of the Revenue for the port of Hertford, N. C.

William Van Deursen, Surveyor and Inspector of the Revenue for the port of Middletown, Con.

Henry Muse, Surveyor and Inspector of the Revenue for the port of Urbanna.

John Saunders, Surveyor and Inspector of the Revenue for the port of Salem.

Ebenezer Dale, Surveyor and Inspector of the Revenue for the port of Gloucester.

William D. Harrison, Surveyor and Inspector of the Revenue for the port of Nanjemoy.

William Gray, Surveyor and Inspector of the Revenue for the port of Port Royal.

Louis Blanc, Surveyor and Inspector of the Revenue for the port of Bayou St. John.

To the Senate of the United States:

I nominate James Findlay, Receiver of Public Moneys for the district of Cincinnati.

William Taylor, Receiver of Public Moneys for the district of Cahaba.

John Caldwell, Receiver of Public Moneys for the district of Shawneetown.

John P. Mayberry, Receiver of Public Moneys for the district of Marietta.

Benjamin Stephenson, Receiver of Public Moneys for the district of Edwardsville.

Thomas A. Smith, Receiver of Public Moneys for the district of Howard county.

Bernard Smith, to be Register of the Land Office at Arkansas.

David Hoge, to be Register of the Land Office at Steubenville.

Reasin Beall, to be Register of the Land Office at Wooster.

Thomas Sloo, to be Register of the Land Office at Shawneetown.

William Aylett, to be Register of the Land Office at St. Stephens.

Eldridge S. Greening, to be Register of the Land Office at Conecuh Court House.

John Miller, to be Register of the Land Office at Howard county.

Samuel Harper, to be Register of the Land Office at New Orleans.

JAMES MONROE.

January 7th, 1822.

To the Senate of the United States:

I nominate to the Senate, Levin Wailes, to be Surveyor of the Public Lands south of the State of Tennessee, vice Thomas Freeman, deceased.

John Hempstead, to be Surveyor and Inspector of the Customs for the port of Hartford, State of Connecticut.

JAMES MONROE.

January 7th, 1822.

The messages were severally read; and,

On motion,

Ordered, That the nominations to appointments as Officers of the Customs, be referred to the Committee on Finance, to consider and report thereon.

The nomination of Levin Wailes being under consideration,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

On motion,

Ordered, That the message nominating to appointments in the Land Offices, be referred to the Committee on Public Lands, to consider and report thereon.

TUESDAY, JANUARY 8, 1822.

On motion by Mr. Holmes, of Maine,

Ordered, That the Committee on Finance be discharged from the consideration of the nominations to be Officers of the Customs, and that the said nominations be referred to the Committee on Commerce and Manufactures, to consider and report thereon.

The treaty of peace and amity with the Dey of Algiers, was read the second time; and,

On motion,

Ordered, That it be referred to the Committee on Foreign Relations, to consider and report thereon; and that it be printed for the use of the Senate, under an injunction of secrecy.

The Senate resumed the consideration of the nomination of Elnathan Judson, contained in the message of the 21st December; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

WEDNESDAY, JANUARY 9, 1822.

Mr. Smith, from the Committee on the Judiciary, to whom were referred the nominations of James Brobson, Paul Bentalou, Morton A. Waring, John T. Mason, Ebenezer K. Dexter, and John Pegram, to be Marshals, made a report, recommending that the Senate advise and consent to the appointments, excepting that of James Brobson, to which they recommend that the Senate do not advise and consent. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively, excepting that of James Brobson.

On motion,

Ordered, That the nomination of James Brobson be postponed to Monday week.

Mr. Smith, from the same Committee, to whom were referred the nominations of Robert Stanard, Charles J. Ingersoll, George Read, jun. John C. Wright, Bela Metcalf, Elias Glenn, and Thomas P. Devereaux, to be District Attornies, made a report, accompanied by the following resolution:

Resolved, That the Secretary of the Treasury be directed to ascertain whether Robert Stanard, Charles J. Ingersoll, George Read, jun. John C. Wright, Bela Metcalf, and Elias Glenn, have respectively settled their official accounts as District Attornies, with the proper officers of the United States; and, as early as may be convenient thereafter, to transmit the same to the Senate.

The report and resolution were read and considered; and,

On motion,

Ordered, That they be postponed until to-morrow.

THURSDAY, JANUARY 10, 1822.

On motion by Mr. King, of New York,

Ordered, That Samuel Turner, Principal Clerk in the Office of the Secretary of the Senate, officiate in the Senate during the transaction of Executive business, in the absence of the Secretary.

Mr. King, of New York, from the Committee on Foreign Relations, to whom was referred the treaty of peace and amity with the Dey and Regency of Algiers, reported the same, with the following resolution, which was read.

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty of peace and amity, concluded between the United States and the Dey and Regency of Algiers, on the 23d day of December, 1816.

Ordered, That the treaty pass to a third reading.

The Senate proceeded to consider the resolution reported yesterday by the Committee on the Judiciary, relative to the nominations of Robert Stanard, and others, and agreed thereto.

The Senate proceeded to consider the nomination of Jeremiah Cuyler, as contained in the message of the 21st December; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to whom was referred the nomination of John Hempstead, reported. Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

MONDAY, JANUARY 14, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Moses B. Chase, of Massachusetts, acting Chaplain in the Navy, and Burgess Allison, of New Jersey, to be Chaplains in the Navy.
JAMES MONROE.

January 11th, 1822.

To the Senate of the United States:

I nominate Myndert M. Dox, of New York, to be Collector of the Customs, and Inspector of the Revenue for the district of Buffaloe, in the State of New York.

Valentine King, to be Register of the Land Office for the district of Opelousas, in the State of Louisiana.

JAMES MONROE.

January 14th, 1822.

The messages were severally read.

Ordered, That they lie for consideration.

WEDNESDAY, JANUARY 16, 1822.

Mr. Johnson, of Louisiana, from the Committee on Indian Affairs, to whom was referred the treaty with the Ottawa, Chippeway, and Potawatamie Indians, reported it without amendment.

The Senate proceeded to consider the message of the 14th instant, nominating Myndert M. Dox, and Valentine King, to offices; and

Resolved, That they do advise and consent to the appointment of Myndert M. Dox, agreeably to the nomination.

Ordered, That the nomination of Valentine King be postponed.

On motion,

Ordered, That the message nominating Moses B. Chase, and Burgess Allison, to offices, be referred to the Committee on Naval Affairs, to consider and report thereon.

MONDAY, JANUARY 21, 1822.

The following message was received from the President of the United States, by Mr. Gouverneur his Secretary:

To the Senate of the United States:

I nominate the persons whose names are stated in the enclosed letter from the Secretary of War, for the appointments therein respectively proposed for them.

The changes in the Army, growing out of the act of the 2d of March, 1821, "to reduce and fix the military peace establishment of the United States," are exhibited in the official register for the year 1822, herewith submitted for the information of the Senate.

Under the late organization of the Artillery arm, with the exception of the Colonel of the Regiment of Light Artillery, there were no grades higher

than Lieutenant Colonel recognised. Three of the four Colonels of Artillery provided for by the act of Congress of the 2d of March, 1821, were considered, therefore, as original vacancies, to be filled as the good of the service might dictate, from the Army corps.

The Pay Department being considered as a part of the Military Establishment, and within the meaning of the above recited act, constituting one of the corps of the Army, the then Paymaster General was appointed Colonel of one of the regiments. A contrary construction, which would have limited the corps specified in the 12th section of the act, to the line of the army, would equally have excluded all the other branches of the Staff, as well that of the Pay Department, which was expressly comprehended among those to be reduced. Such a construction did not seem to be authorized by the act; since, by its general terms, it was inferred to have been intended to give a power of sufficient extent to make the reduction, by which so many were to be disbanded, operate with as little inconvenience as possible to the parties. Acting on these views, and on the recommendation of the Board of General Officers, who were called in on account of their knowledge and experience, to aid the Executive in so delicate a service, I thought it proper to appoint Colonel Towson to one of the new regiments of Artillery, it being a corps in which he had eminently distinguished himself, and acquired great knowledge and experience in the late war.

In reconciling conflicting claims, provision for four officers of distinction could only be made in grades inferior to those which they formerly held. Their names are submitted, with the nomination for the Brevet rank of the grades from which they were severally reduced.

It is proper also to observe, that as it was found difficult in executing the act, to retain each officer in the corps to which he belonged, the power of transferring officers from one corps to another, was reserved in the general orders, published in the register, till the 1st day of January last, in order that, upon vacancies occurring, those who had been put out of their proper corps, might, as far as possible, be restored to it. Under this reservation, and in conformity to the power vested in the Executive, by the 1st section of the 75th article of the general regulations of the army, approved by Congress at the last session, on the resignation of Lieutenant Col. Mitchell, of the corps of Artillery, Lieut. Col. Lindsay, who had belonged to this corps before the late reduction, was transferred back to it, in the same grade. As an additional motive to the transfer, it had the effect of preventing Lieut. Colonel Taylor, and Major Woolley, being reduced to lower grades than those which they held before the reduction, and Captain Cobb from being disbanded under the act. These circumstances were considered as constituting an extraordinary case, within the meaning of the section already referred to, of the regulations of the army. It is, however, submitted to the Senate, whether this is a case requiring their confirmation; and in case that such should be their opinion, it is submitted to them for their constitutional confirmation.

JAMES MONROE.

January 17th, 1822.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

James Gadsden, late Inspector General, to be Adjutant General, 13th August, 1821.

Samuel B. Archer, Captain of Artillery, to be Inspector General, 10th November, 1821.

William Linnard, late Deputy Quartermaster General, to be Quartermaster, 12th November, 1813.

Henry Staunton, late Deputy Quartermaster General, to be Quartermaster, 13th May, 1820.

Daniel Parker, late Adjutant and Inspector General, to be Paymaster General, 1st June, 1821.

Thomas Wright, late Paymaster 8th Infantry, to be Paymaster, 22d June, 1815.

Asher Phillips, late Paymaster 3d Infantry, to be Paymaster, 26th August, 1815.

Alphonso Wetmore, late Paymaster 6th Infantry, to be Paymaster, 14th October, 1815.

Corps of Engineers.

Cadet Edw. H. Courtenay, to be Brevet 2d Lieutenant, 1st July, 1821.

First Regiment of Artillery.

2d Lieutenant Matthew A. Patrick, to be 1st Lieut. 11th August, 1820.

3d Lieutenant Daniel D. Tompkins, of Ordnance, to be 2d Lieut. 1st July, 1820.

Brevet 2d Lieut. Jonathan Prescott, to be 2d Lieut. 1st July, 1821.

Brevet 2d Lieut. Charles Dimmock, to be 2d Lieut. 1st July, 1821.

Cadet Washington Wheelright, to be Brevet 2d Lieut. 1st July, 1821.

Second Regiment of Artillery.

Nathan Towson, late Captain Light Artillery, to be Colonel, 1st June, 1821.

1st Lieutenant Thomas C. Legate, to be Captain, 13th May, 1820.

2d Lieutenant C. M. Eakin, to be 1st Lieutenant, 13th May, 1820.

2d Lieutenant Samuel Cooper, to be 1st Lieutenant, 6th July, 1821.

3d Lieutenant William C. De Hart, late Ordnance, to be 2d Lieutenant, 1st July, 1820.

3d Lieutenant William P. Buchanan, late Ordnance, to be 2d Lieutenant, 1st July, 1820.

Cadet David Wallace, to be Brevet 2d Lieutenant, 1st July, 1821.

Cadet James Grier, to be Brevet 2d Lieutenant, 1st July, 1821.

Third Regiment of Artillery.

2d Lieutenant S. S. Smith, to be 1st Lieutenant, 30th November, 1820.

3d Lieutenant Francis N. Barbarin, Ordnance, to be 2d Lieutenant, 1st July, 1820.

3d Lieut. Charles Thomas, Ordnance, to be 2d Lieut. 1st June, 1821.

Cadet Robert W. Allston, to be Brevet 2d Lieutenant, 1st July, 1821.

Cadet J. F. Scott, to be Brevet 2d Lieutenant, 1st July, 1821.

Fourth Regiment of Artillery.

J. R. Fenwick, late Lieutenant Colonel Light Infantry, to be Colonel, 1st June, 1821.

2d Lieutenant John M. Washington, to be 1st Lieutenant, 23d May, 1820.

2d Lieutenant Wm. Wright, to be 1st Lieutenant, 23d August, 1820.

2d Lieutenant Harvey Brown, to be 1st Lieutenant, 23d August, 1821.

3d Lieut. William H. Bell, Ordnance, to be 2d Lieut. 1st July, 1820.

Cadet Clark Burdine, to be 2d Lieutenant, 1st July, 1821.

Cadet W. W. Wells, to be 2d Lieutenant, 1st July, 1821.
Cadet J. C. Holland, to be 2d Lieutenant, 1st July, 1821.
Cadet Edward C. Ross, to be 2d Lieutenant, 1st July, 1821.
Cadet John B. Scott, Brevet 2d Lieutenant, 1st July, 1821.

First Regiment of Infantry.

Cadet Jefferson Vail, to be 2d Lieutenant, 1st July, 1821.

Second Regiment of Infantry.

2d Lieutenant E. K. Barnum, to be 1st Lieutenant, 31st December, 1820.
Cadet Alexander Morton, to be 2d Lieutenant, 1st July, 1821.

Third Regiment of Infantry.

Cadet Otis Wheeler, to be 2d Lieutenant, 1st July, 1821.
Cadet Henry Brainbridge, to be 2d Lieutenant, 1st July, 1821.

Fourth Regiment of Infantry.

1st Lieutenant Francis W. Brady, to be Captain, 31st December, 1820.
2d Lieut. Thomas Johnston, to be 1st Lieut. 31st December, 1820.

Fifth Regiment of Infantry.

1st Lieutenant J. Plympton, to be Captain, 1st January, 1822.
2d Lieutenant C. Burbridge, to be 1st Lieutenant, 1st November, 1821.
2d Lieutenant J. B. F. Russell, to be 1st Lieutenant, 1st January, 1822.
Cadet Seth M. Capron, to be 2d Lieutenant, 1st July, 1821.
Cadet Julius A. d'Lagnel, to be 2d Lieutenant, 1st July, 1821.

Sixth Regiment of Infantry.

2d Lieutenant W. D. McCray, to be 1st Lieutenant, 5th November, 1821.
3d Lieut. Joseph Buckley, Ordnance, to be 2d Lieut. 1st June, 1821.
Cadet Joseph Pentland, to be 2d Lieutenant, 1st July, 1821.
Cadet W. W. Gaillard, to be 2d Lieutenant, 1st July, 1821.
Cadet Jason Rogers, to be 2d Lieutenant, 1st July, 1821.
Cadet D. M. Porter, to be 2d Lieutenant, 1st July, 1821.

Seventh Regiment of Infantry.

Major J. B. Many, to be Lieutenant Colonel, 1st January, 1822.
2d Lieutenant John B. Hobkirk, to be 1st Lieutenant, 31st October, 1820.
3d Lieut. James Dawson, Ordnance, to be 2d Lieut. 1st June, 1821.

Edward Purcell, late Surgeon 5th Infantry, to be Surgeon, 18th June, 1821.

John A. Brereton, D. C. to be Assistant Surgeon, 1st July, 1821.

Henry Stevenson, late Post Surgeon, to be Assistant Surgeon, 16th July, 1821.

Mordecai Hale, late Post Surgeon, to be Assistant Surgeon, 27th October, 1821.

Richard S. Satterlee, to be Assistant Surgeon.

Walter Jones, D. C. to be Brigadier General of the Militia, District of Columbia, 1st August, 1821.

Israel P. Thompson, D. C. to be Captain 1st Regiment, 2d Brigade, Militia of the District of Columbia, 1st August, 1821.

George Brent, D. C. to be Lieutenant, 1st Regiment, 2d Brigade, Militia of the District of Columbia, 1st August, 1821.

Samuel McClain, to be Ensign, 1st Regiment, 2d Brigade, Militia of the District of Columbia, 1st August, 1821.

*The following Officers have been raised in the United States Army:
Corps of Engineers.*

Brevet Major General Alexander Macomb, late Brigadier General, to be Colonel, 6th July, 1812, with the Brevet rank of Brigadier General, 24th January, 1814.

Sixth Regiment of Infantry.

Brigadier General Henry Atkinson, to be Colonel, 15th April, 1814, with the Brevet rank of Brigadier General, 13th May, 1820.

Seventh Regiment of Infantry.

Major William Bradford, late of the Rifle, to be Captain, 6th July, 1812, with the Brevet rank of Major, 10th November, 1818.

First Regiment of Artillery.

Major James Dalliba, late of the Ordnance, to be Captain, 5th August, 1813, with the Brevet rank of Major, 9th February, 1815.

The message was read.

On motion,

Ordered, That it be referred to the Committee on Military Affairs, to consider and report thereon.

The President communicated a report of the Secretary of the Treasury, made in compliance with the resolution of the Senate of the 10th instant, which was read.

The Senate resumed the consideration of the nomination of Valentine King, contained in the message of the 14th instant; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

WEDNESDAY, JANUARY 23, 1822.

Mr. Otis presented the memorial of Abraham Eustis, Major of the 4th Regiment of Artillery, and Lieutenant Colonel by Brevet, remonstrating against the manner in which the law "to reduce and fix the Military Peace Establishment," has been executed, in relation to the selection of officers; and the memorial was read.

On motion,

Ordered, That it be referred to the Committee on Military Affairs, to consider and report thereon.

Mr. Benton presented statements, showing the circumstances by which General D. Bissell was induced to consent to be degraded to the rank of Colonel of Infantry, in the year 1815, and the reasons why Colonel Towson should not receive an appointment in the Peace Establishment of the Army, under the act of 2d March, 1821, to the prejudice of officers; and the statements were read.

On motion,

Ordered, That they be referred to the Committee on Military Affairs, to consider and report thereon.

On motion by Mr. Williams, of Tennessee,

Ordered, That the message nominating persons to promotions and appointments in the Army, be printed for the use of the Senate, under an injunction of secrecy.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to whom was referred the message of the 7th instant, nominating William B. Tyler, and others, to offices, reported.

Whereupon,

Resolved, That the Senate do advise and consent to the appointments of William B. Tyler, Thomas Nelson, Jr. Silas Crane, Walter Bradley, Reuben Moores, Thomas H. Cushing, Robert Flemming, Gideon Leeds, Adam D. Stewart, Martin T. Morton, John B. Roberts, Timothy Upham, Samuel Brown, Walter Nichols, John S. Cogdell, Joseph S. Pelot, Elijah Hall, William Mitchell, Elijah Palmer, Jonathan Smith, John G. Mawney, Richard Ferguson, James Morgan, James Ladd, Elbridge Gerry, Josiah Townsend, Wm. Van Deursen, Henry Muse, John Saunders, Ebenezer Dale, William Gray, and Louis Blanc, agreeably to the nominations respectively.

Ordered, That the other nominations be postponed, except those of Mark Hardin, John Rodman, William S. Smith, Richard S. Hackley, and Charles Jenkins, which were ordered to lie on the table.

Mr. Pleasants, from the Committee on Naval Affairs, to whom were referred the nominations of Waters Smith and George Balfour, to be Surgeon's Mates in the Navy, as contained in the message of the 21st December last, reported. Whereupon,

Resolved, That the Senate do not advise and consent to the appointments.

The Senate resumed the consideration of the nomination of Thomas P. Deyereaux, to be District Attorney; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

Mr. Pleasants, from the Committee on Naval Affairs, to whom was referred the message nominating Moses B. Chase and Burgess Allison, to offices, reported; and

Ordered, That the said nominations lie for consideration.

THURSDAY, JANUARY 24, 1822.

The Senate proceeded to consider, as in Committee of the Whole, the treaty with the Ottawa, Chippeway, and Potawatamie nations of Indians; and,

On motion,

Ordered, That the consideration thereof be postponed until to-morrow.

THURSDAY, JANUARY 31, 1822.

The Senate resumed the consideration of the nomination of William B. Irish, as contained in the message of the 21st December. Whereupon,

Mr. Lowrie laid on the table sundry documents, adverse to the appointment of Mr. Irish.

On motion,

Ordered, That the nomination be postponed until to-morrow.

FRIDAY, FEBRUARY 1, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate William Dougherty, to be Marshal for the district of Ohio.
John H. Morel, to be Marshal for the district of Georgia.

JAMES MONROE.

February 1st, 1822.

The message was read.

On motion,

Ordered, That the nomination of John H. Morel be referred to the Committee on the Judiciary, to consider and report thereon.

Ordered, That the nomination of William Dougherty lie for consideration.

The Senate resumed the consideration of the nomination of William B. Irish, contained in the message of the 21st December; and,

On motion by Mr. Smith,

Resolved, That the President of the United States be requested to cause to be laid before the Senate, all such letters and petitions, or other papers, as were presented to him, relative to the appointment of William B. Irish, as Marshal of the Western district of Pennsylvania, as well those which opposed his appointment, as those which requested it.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion,

Ordered, That the nomination of William B. Irish, together with all papers relating thereto, be referred to the Committee on the Judiciary, to consider and report thereon.

The treaty of peace and amity with the Dey and Regency of Algiers, was read the third time; and the resolution for the ratification thereof having been agreed to;

On the question, "Will the Senate advise and consent to the ratification of this treaty?"

It was unanimously determined in the affirmative: Yeas, 42.

Those who voted, are—Messrs. Barton, Benton, Boardman, Brown, of Ohio, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes, of Maine, Holmes, of Mississippi, Johnson, of Louisiana, Johnson, of Kentucky, King, of Alabama, King, of New York, Knight, Lanman, Lowrie, Macon, Mills, Morrill, Otis, Palmer, Parrott, Pinkney, Pleasants, Rodney, Ruggles, Seymour, Smith, Stokes, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williams, of Tennessee.

So it was

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty of peace and amity, concluded between the United States and the Dey and Regency of Algiers, on the twenty-third day of December, 1816.

Ordered, That the Secretary lay this resolution before the President of the United States.

THURSDAY, FEBRUARY 7, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate the persons whose names are stated in the enclosed letter from the Secretary of War, for the appointments therein respectively proposed.

I nominate Paul Baillio, of Tennessee, to be Factor for the Factory on Osage river, in the Indian Department.

JAMES MONROE.

February 5th, 1822.

DEPARTMENT OF WAR, *February 2d, 1822.*

SIR: I have the honor to lay before you the following appointments, to wit:

In the Army of the United States.

John P. McGuire, to be Paymaster and Military Store-keeper at Harper's Ferry, Virginia.

In the Indian Department.

John Biddle, of Pennsylvania, to be Indian Agent at Green Bay.

I have the honor to be

Your obedient servant,

J. C. CALHOUN.

To the PRESIDENT of the United States.

To the Senate of the United States:

I nominate William C. Nicholson, Midshipman, to be a Lieutenant in the Navy, to take rank from the 3d of March, 1821.

JAMES MONROE.

February 5th, 1822.

The messages were severally read.

Ordered, That they lie for consideration.

The Senate proceeded to consider the nomination of William Dougherty, contained in the message of the 1st instant; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate resumed the consideration of the nomination of Elias Glenn, contained in the message of the 21st December; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

Mr. Thomas, from the Committee on Public Lands, to whom was referred the message of the 7th January, nominating James Findlay, and others, to offices, reported: he also laid on the table a communication from the Secretary of the Treasury, in relation to said nominations. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

The Senate resumed the consideration of the nominations of Moses B. Chase, and Burgess Allison, as contained in the message of the 14th January; and

Resolved, That they do not advise and consent to the appointments.

The Senate resumed, as in Committee of the Whole, the consideration of the treaty with the Ottawa, Chippeway, and Potawatamie nation of Indians; and,

On motion by Mr. Holmes, of Maine,

Resolved, That the President of the United States be requested to cause to be communicated to the Senate, the instructions to the Commissioners who negotiated the treaty concluded at Chicago, with the Ottawa, Chippeway, and Potawatamie nation of Indians.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. Pleasants presented the petition of Roger Jones, late an Adjutant General in the Army, praying the interposition of the Senate in reinstating him in the same office; and the petition was read; and,

On his motion,

Ordered, That it be referred to the Committee on Military Affairs, to consider and report thereon.

THURSDAY, FEBRUARY 14, 1822.

The following written message was received from the President of the United States by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, containing the information required by the resolution of the Senate, of the 1st instant, with the documents which accompanied that report.

JAMES MONROE.

February 8th, 1822.

The message and accompanying documents were read.

On motion by Mr. Lowrie,

Ordered, That they be referred to the Committee on the Judiciary, to consider and report thereon.

The following written message was also received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Garret J. Pendergrast, now a Midshipman, to be a Lieutenant in the Navy.

JAMES MONROE.

February 10th, 1822.

The message was read.

On motion,

Ordered, That the said message, together with all nominations to appointments in the Navy, now before the Senate, be referred to the Committee on Naval Affairs, to consider and report thereon.

The Senate resumed the consideration of the nomination of James Brobson, contained in the message of the 21st December; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the message of the 7th instant, nominating Paul Baillio, and others, to offices; and

Resolved, That they do advise and consent to the appointment of John P. McGuire, agreeably to the nomination.

Ordered, That the nominations of Paul Baillio and John Biddle, be referred to the Committee on Indian Affairs, to consider and report thereon.

FRIDAY, FEBRUARY 15, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Ashur Ware, to be Judge of the United States for the district of Maine.

JAMES MONROE.

February 15th, 1822.

To the Senate of the United States:

I nominate Charles Dewey, to be Attorney for the United States for the district of Indiana. **JAMES MONROE.**

February 15th, 1822.

The messages were severally read.

On motion by Mr. Holmes, of Maine,

The message nominating Ashur Ware was considered by unanimous consent; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

Ordered, That the message nominating Charles Dewey lie for consideration.

The Senate resumed the consideration of the message of the 7th January, nominating William B. Tyler, and others, to offices; and

Resolved, That they do advise and consent to the appointments of Levi Fagan, Thomas Cook, Sen, Thomas H. Blount, Benjamin Crowninshield, William Woodbridge, George W. Biscoe, and Almon Gibbs, agreeably to the nominations respectively.

Mr. Smith, from the Committee on the Judiciary, to whom was referred the nomination of William B. Irish, and the papers relating thereto, reported; and,

On motion,

Ordered, That the said nomination be postponed to Monday next.

WEDNESDAY, FEBRUARY 20, 1822.

The Senate resumed the consideration of the nomination of William B. Irish, as contained in the message of the 21st December; and

Mr. King, of Alabama, communicated certain papers concerning the said nomination, which were read.

On the question, "Will the Senate advise and consent to this appointment?"

It was determined in the negative: Yeas, 14; Nays, 26.

On motion by Mr. Otis,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barton, Brown, of Ohio, Dickerson, Eaton, King, of Alabama, King, of New York, Lanman, Mills, Otis, Parrott, Rodney, Southard, Talbot, and Van Dyke.

Those who voted in the negative, are—Messrs. Benton, Boardman, Chandler, D'Wolf, Elliott, Findlay, Gaillard, Holmes, of Maine, Johnson, of Kentucky, Johnson, of Louisiana, Lloyd, Lowrie, Macon, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas, Van Buren, Walker, Ware, Williams, of Mississippi, and Williams, of Tennessee.

So it was

Resolved, That the Senate do not advise and consent to the appointment of William B. Irish.

MONDAY, FEBRUARY 25, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Andrew Hull, Jun.^r to be Marshal of the United States for the district of Connecticut.

JAMES MONROE.

February 21st, 1822.

The message was read, and considered by unanimous consent; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

The following written message was also received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

In compliance with a resolution of the Senate, of the 7th instant, requesting the President of the United States to cause to be communicated to the Senate, the instructions to the Commissioners who negotiated the treaty concluded at Chicago, with the Ottawa, Chippeway, and Potawatamie nations of Indians, I herewith transmit a report from the Secretary of War.

JAMES MONROE.

February 21st, 1822.

The message and documents were read; and,

On motion by Mr. King, of New York,

Ordered, That they be printed for the use of the Senate, under an injunction of secrecy.

Mr. Pleasants communicated to the Senate certain documents relative to Roger Jones, late an Adjutant General in the Army; which were read; and,

On his motion,

Ordered, That they be referred to the Committee on Military Affairs, to consider and report thereon.

Mr. Williams, of Tennessee, from the Committee on Military Affairs, to whom was referred the message of the 21st January, nominating persons to promotions and appointments in the Army, reported on the nomination of Richard S. Satterlee; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

The Senate resumed the consideration of the message of the 7th January, nominating William B. Tyler, and others, to be Custom-house officers; and

Resolved, That they do advise and consent to the appointment of James McCulloch, agreeably to the nomination; and that they do not advise and consent to the appointment of Peter P. Ferry.

Mr. Johnson, of Louisiana, from the Committee on Indian Affairs, to whom were referred the nominations of Paul Baillio and John Biddle, contained in the message of the 7th instant, reported on that of John Biddle.

Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

WEDNESDAY, MARCH 6, 1822.

The five following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Richard M. Chapman, to be Collector of Internal Revenue for the 20th collection district of Virginia.

JAMES MONROE.

February 23d, 1822.

To the Senate of the United States:

I nominate John S. Given, of Pennsylvania, to be Assistant Surgeon in the Army of the United States.

JAMES MONROE.

March 4th, 1822.

To the Senate of the United States:

I nominate Thomas Whiteside, to be Collector of Internal Duties for the 10th collection district of Pennsylvania, and designated Collector for the State.

Charles Miles, to be Collector of Internal Revenue for the 9th collection district of Ohio, vice Daniel Miles, resigned.

JAMES MONROE.

March 4th, 1822.

To the Senate of the United States:

I nominate William Willard, to be Surveyor of the port of Saybrook, in Connecticut, vice George Wolcott, deceased.

JAMES MONROE.

February 28th, 1822.

To the Senate of the United States:

I nominate James Fisk, to be Collector of the Customs for the district of Vermont, and Inspector of the Revenue for the port of Allburg.

JAMES MONROE.

March 5th, 1822.

The messages were severally read; and,

On motion,

The message nominating Richard M. Chapman to office, was considered by unanimous consent. Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

Ordered, That the other messages lie for consideration.

The Senate resumed, as in Committee of the Whole, the consideration of the treaty with the Ottawa, Chippeway, and Potawatamie nations of Indians; and no amendment having been made, the President reported it to the Senate.

THURSDAY, MARCH 7, 1822.

The Senate proceeded to consider the nomination of James Fisk, as contained in the message of yesterday; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

Mr. Williams, of Tennessee, from the Committee on Military Affairs, to whom was referred the message of the 21th January, nominating persons

to military promotions and appointments, reported on the nomination of Nathan Towson; and, after discussion,

On motion,

Ordered, That the said nomination be re-committed to the Committee on Military Affairs, further to consider and report thereon.

Mr. Pleasants, from the Committee on Naval Affairs, to whom was referred the nominations of Wm. C. Nicholson, and Garret J. Pendergrast, contained in the messages of the 7th and 14th of February, reported; and,

On motion,

Ordered, That the said nominations lie on the table.

The Senate resumed the consideration of the message of the 21st December, nominating Robert Stanard, and others, to offices; and

Resolved, That they do advise and consent to the appointment of Robert Stanard, and George Read, Jun., agreeably to the nominations respectively.

The Senate proceeded to consider the message of yesterday, nominating William Willard to office; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

FRIDAY, MARCH 8, 1822.

The Senate resumed the consideration of the nominations of William C. Nicholson, and Garret J. Pendergrast, as contained in the messages of the 7th and 14th February; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively.

On motion by Mr. Benton,

Resolved, That the Committee on Military Affairs be instructed to make a report to the Senate, showing the number of the Colonels in the army of the United States, on the 2d March, 1821, their names, dates of commission, and corps; also, showing the number of Colonels in service under the peace establishment of 1821, their names, the highest grade before held by them, the date of that commission, and the corps to which they belonged, if attached to any corps; also, showing the number of Adjutant and Inspector Generals in service on the said 2d of March, their names, the highest lineal rank previously held by each in the United States Army, and the date of that commission; also, showing the number of Adjutant and Inspector Generals in service under the peace establishment of 1821, their names, the highest lineal rank previously held by them, and the date of commission; also, a list of all transfers and promotions made under or since the said act of March 2d, showing the names, grades, dates of commissions and corps to which each belonged, at the time of the transfer or promotion, and the office to which transferred or promoted; also, showing the highest lineal rank held by Col. R. Butler, in the Army of the United States, at any time before the said 2d of March, the time when, and his rank, when he may have quit the line of the Army; and the grade and date of commission of Major William Bradford, at the date aforesaid.

WEDNESDAY, MARCH 13, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I withdraw the nomination of Bela Metcalfe, now before the Senate, and nominate William B. Griffith, to be District Attorney for the district of Mississippi.

Alexander de Tubuef, to be Consul at Celte, in the kingdom of France.

Condé Raguet, of Pennsylvania, to be Consul at Rio de Janeiro.

JAMES MONROE.

March 11th, 1822.

The message was read, and considered by unanimous consent. Whereupon,

Resolved, That the Senate do advise and consent to the appointment of William B. Griffith, agreeably to the nomination.

Ordered, That the other nominations lie for consideration.

The Senate proceeded to consider the nominations of Thomas Whiteside, Charles Miles, and John S. Given, as contained in the messages of the 6th instant; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively.

The Senate resumed the consideration of the nomination of John C. Wright, as contained in the message of the 21st December; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the nomination of Charles Dewey, as contained in the message of the 15th February; and,

On motion,

Ordered, That it be referred to the Committee on the Judiciary, to consider and report thereon.

On motion by Mr. Noble,

Resolved, That the Committee on the Judiciary be instructed to procure from the Secretary of State, a letter from Jonathan Jennings, Governor of the State of Indiana, recommending Charles Dewey, to be Attorney for the United States for the district of Indiana.

Mr. Williams, of Tennessee, from the Committee on Military Affairs, to whom was referred the message of the 21st January, nominating to promotions and appointments in the Army, made a report in writing; which was read.

Mr. Williams, of Tennessee, from the same Committee, pursuant to a resolution of the 8th instant, made a report in writing, showing the number and grades of certain officers in the Army; which was read.

THURSDAY, MARCH 14, 1822.

The Senate proceeded to consider the nomination of Nathan Towson to appointment in the Army, as contained in the message of the 21st January; and, after debate,

The Senate adjourned.

FRIDAY, MARCH 15, 1822.

The Senate resumed the consideration of the nomination of Nathan Towson; and,

On motion,

Ordered, That it lie on the table.

SATURDAY, MARCH 16, 1822.

The Senate resumed the consideration of the nomination of Nathan Towson; and,

On the question, "Will the Senate advise and consent to this appointment?"

It was determined in the negative: Yeas, 19; Nays, 25.

On motion by Mr. Lanman,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Brown, of Louisiana, Brown, of Ohio, Eaton, Edwards, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, King, of New York, Knight, Lanman, Mills, Otis, Parrott, Southard, Stokes, and Talbot.

Those who voted in the negative, are—Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes, of Maine, Lloyd, Lowrie, Macon, Morrill, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas, Van Dyke, Walker, Ware, Williams, of Mississippi, and Williams, of Tennessee.

So it was

Resolved, That the Senate do not advise and consent to the appointment of Nathan Towson, to be Colonel of the 2d regiment of Artillery.

MONDAY, MARCH 18, 1822.

Mr. Smith, from the Committee on the Judiciary, to which was referred the nomination of John H. Morel, to be Marshal for the district of Georgia, reported: he also laid on the table a letter from the Secretary of the Treasury, showing the state of Mr. Morel's public account. Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the nomination of James Gadsden, to be Adjutant General, contained in the message of the 21st January; and, after debate,

On motion,

The Senate adjourned.

WEDNESDAY, MARCH 20, 1822.

The Senate proceeded to consider the nomination of Alexander de Tubuef, as contained in the message of the 13th instant; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate resumed the consideration of the treaty with the Ottawa, Chippeway, and Potawatamie nations of Indians; and no amendment having been made thereto,

Ordered, That it pass to a third reading.

Mr. Johnson, of Louisiana, submitted the following motion for consideration:

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made and concluded between the United States and the Ottawa, Chippeway, and Potawatamie nations of Indians, at Chicago, on the 29th day of August, 1821.

On motion,

The said treaty was read the third time by unanimous consent; and the resolution for its ratification having been agreed to:

On the question, "Will the Senate advise and consent to the ratification of this treaty?"

It was determined in the affirmative: Yeas, 33; Nays, 7.

Those who voted in the affirmative, are—Messrs. Barbour, Barton, Benton, Boardman, Brown, of Louisiana, Brown, of Ohio, Chandler, D'Wolf, Dickerson, Elliott, Findlay, Holmes, of Maine, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of New York, Knight, Lanman, Mills, Morrill, Noble, Otis, Palmer, Parrott, Pleasants, Ruggies, Seymour, Southard, Taylor, Thomas, Van Buren, Van Dyke, and Williams, of Mississippi.

Those who voted in the negative, are—Messrs. King, of Alabama, Macon, Smith, Stokes, Walker, Ware, and Williams, of Tennessee.

So it was

Resolved, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made and concluded between the United States and the Ottawa, Chippeway, and Potawatamie nations of Indians, at Chicago, on the 29th day of August, 1821.

Ordered, That the Secretary lay this resolution before the President of the United States.

THURSDAY, MARCH 21, 1822.

The Senate resumed the consideration of the nomination of James Gadsden, to be Adjutant General, contained in the message of the 21st January; and,

On the question, "Will the Senate advise and consent to this appointment?"

It was determined in the negative: Yeas, 20; Nays, 23.

On motion by Mr. Eaton,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Brown, of Louisiana, Brown, of Ohio, Eaton, Edwards, Elliott, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, King, of New York, Knight, Lanman, Mills, Otis, Parrott, Southard, Stokes, and Williams, of Mississippi.

Those who voted in the negative, are—Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Macon, Morrill, Noble, Palmer, Pleasants, Seymour, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williams, of Tennessee.

So it was

Resolved, That the Senate do not advise and consent to the appointment of James Gadsden, to be Adjutant General.

The Senate proceeded to consider the nomination of Alexander Macomb, to be Colonel of the corps of Engineers, contained in the last mentioned message; and,

On motion by Mr. Smith,

Ordered, That the question, "Will the Senate advise and consent to this appointment?" be taken by yeas and nays.

On motion,

Ordered, That the nomination lie on the table.

FRIDAY, MARCH 22, 1822.

Mr. Findlay laid on the table sundry documents, adverse to the appointment of Charles J. Ingersoll, to be District Attorney for the Eastern district of Pennsylvania; which were read; and,

On his motion,

Ordered, That they be referred to the Committee on the Judiciary, to consider and report thereon.

On motion,

Ordered, That the nomination of Charles J. Ingersoll, be re-committed to the said Committee, further to consider and report thereon.

The Senate resumed the consideration of the nominations to promotions and appointments in the Army, as contained in the message of the 21st January, and not before acted on.

On the question, "Will the Senate advise and consent to the appointment of Alexander Macomb, to be Colonel of Engineers, with the Brevet rank of Brigadier General?"

A division of the question was called for, and the vote was taken on the first member thereof, which was determined in the affirmative: Yeas, 26; Nays, 14

The yeas and nays being previously ordered,

Those who voted in the affirmative, are—Messrs. Barbour, Boardman, Brown, of Louisiana, Brown, of Ohio, Dickerson, Eaton, Elliott, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, King, of Alabama, King, of New York, Knight, Lanman, Macon, Mills, Morrill, Parrott, Pleasants, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, and Williams, of Tennessee.

Those who voted in the negative, are—Messrs. Barton, Benton, Chandler, D'Wolf, Gaillard, Holmes, of Maine, Noble, Palmer, Ruggles, Seymour, Smith, Taylor, Thomas, and Ware.

The vote was then taken on the second member of the said question, and determined in the affirmative: Yeas, 28; Nays, 15.

On motion by Mr. Southard,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Benton, Brown, of Louisiana, Eaton, Edwards, Elliott, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, King, of New York, Lanman, Macon, Mills, Morrill, Otis, Parrott, Pleasants, Seymour, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, Ware, and Williams, of Tennessee.

Those who voted in the negative, are—Messrs. Barton, Boardman, Brown, of Ohio, Chandler, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Knight, Noble, Palmer, Ruggles, Smith, Taylor, and Thomas.

So it was

Resolved, That the Senate do advise and consent to the appointment of Alexander Macomb, agreeably to the nomination.

On the question, "Will the Senate advise and consent to the appointment of Henry Atkinson, to be Colonel of the sixth regiment of Infantry, with the Brevet rank of Brigadier General?"

A division of the question was called for, and the vote was taken on the first member thereof, and determined in the affirmative: Yeas, 29; Nays, 14.

On motion by Mr. Holmes, of Maine,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Boardman, Brown, of Louisiana, Brown, of Ohio, Dickerson, Eaton, Edwards, Elliott, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, King, of New York, Knight, Lanman, Macon, Mills, Morrill, Otis, Parrott, Pleasants, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, and Williams, of Tennessee.

Those who voted in the negative, are—Messrs. Barton, Benton, Chandler, D'Wolf, Gaillard, Holmes, of Maine, Noble, Palmer, Ruggles, Seymour, Smith, Taylor, Thomas, and Ware.

And the second member of the question having been agreed to, it was

Resolved, That the Senate do advise and consent to the appointment of Henry Atkinson, agreeably to the nomination.

The Senate then proceeded to consider, separately, the other nominations contained in said message, which had not been finally acted on; and

Resolved, That they do advise and consent to the said appointments, agreeably to the nominations respectively; with the exception of Samuel B. Archer, Daniel Parker, J. R. Fenwick, and William Bradford; which were,

On motion,

Ordered, To be postponed to Tuesday next.

On motion by Mr. Smith,

To re-consider the vote of yesterday, on the nomination of James Gadsden,

It was determined in the affirmative: Yeas, 23; Nays, 21.

On motion by Mr. Morrill,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Brown, of Louisiana, Brown, of Ohio, Chandler, Eaton, Edwards, Elliott, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, King, of New York, Knight, Lanman, Mills, Noble, Otis, Parrott, Smith, Southard, Stokes, and Williams, of Mississippi.

Those who voted in the negative, are—Messrs. Barton, Benton, Boardman, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Macon, Morrill, Palmer, Pleasants, Ruggles, Seymour, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williams, of Tennessee.

On the question, "Will the Senate advise and consent to the appointment of James Gadsden, to be Adjutant General?"

It was determined in the negative: Yeas, 21; Nays, 23.

On motion by Mr. Dickerson,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Brown, of Louisiana, Brown, of Ohio, Eaton, Edwards, Elliott, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, King, of New York, Knight, Lanman, Mills, Otis, Parrott, Smith, Southard, Stokes, and Williams, of Mississippi.

Those who voted in the negative, are—Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Gaillard, Holmes, of Maine, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williams, of Tennessee.

So it was

Resolved, That the Senate do *not* advise and consent to the appointment of James Gadsden, to be Adjutant General.

On motion by Mr. Benton,

Resolved, That the Committee on Military Affairs inquire into the facts, and inform the Senate, whether Col. Robert Butler has resigned or refused to accept the place of Colonel, or Lieut. Colonel, in the Military Peace Establishment of the United States, and whether his resignation has been accepted.

On motion,

Ordered, That the nomination of Condé Raguet, of Pennsylvania, to be Consul at Rio de Janeiro, be referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. Smith, from the Committee on the Judiciary, to which was referred the nomination of Charles Dewey, contained in the message of the 15th February, reported; he also communicated sundry documents relating thereto; which were read.

Mr. Eaton laid on the table a letter from H. W. Dwight, on the subject of the said nomination, which was read.

TUESDAY, MARCH 26, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

Having executed the act, entitled "An act to reduce and fix the Military Peace Establishment of the United States," on great consideration, and according to my best judgment, and inferring from the rejection of the nomination of Colonel Towson, and Colonel Gadsden, officers of very distinguished merit, that the view which I took of that law has not been well understood, I hereby withdraw all the nominations on which the Senate has not decided, until I can make a more full communication and explanation of that view, and of the principles on which I have acted in the discharge of that very delicate and important duty.

JAMES MONROE.

March 26th, 1822.

The message was read.

Mr. King, of New York, from the Committee on Foreign Relations, to which was referred the nomination of Condé Raguet, as contained in the message of the 13th instant, reported. Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

FRIDAY, MARCH 29, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate George Graham, to be Commissioner of the Public Buildings, vice Samuel Lane, deceased.

James H. Peck, to be District Judge of the United States, for the district of Missouri.

John Stevens, to be Collector of the Customs for the port of Savannah, in the State of Georgia.

JAMES MONROE.

March 26th, 1822.

The message was read, and considered by unanimous consent.

Resolved, That the Senate do advise and consent to the appointment of John Stevens, agreeably to the nomination.

Ordered, That the other nominations lie for consideration.

The Senate resumed the consideration of the nomination of Stephen Thatcher, as contained in the message of the 7th January; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

WEDNESDAY, APRIL 3, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Henry A. S. Dearborn, of Massachusetts, to be Collector of the Customs for the district of Boston and Charlestown, in the same State.

Thomas Melville, Senior, to be Naval Officer of the same district.

Hezekiah Prince, of the State of Maine, to be Surveyor and Inspector of the Revenue for the port of Thomastown, in the said State.

Joseph Carr, of the same State, to be Surveyor and Inspector of the Revenue for the port of Bangor, in the said State.

James D. Wescott, of New Jersey, to be Collector of the Customs, and Inspector of the Revenue, for the district and port of Bridgetown, in the said State.

William D. Harrison, of Maryland, to be Surveyor and Inspector of the Revenue for the port of Nanjemoy, in said State.

JAMES MONROE.

April 2d, 1822.

To the Senate of the United States:

I nominate Frederick Jenkins, of New York, to be Appraiser of Goods in the Custom House at New York.

JAMES MONROE.

April 2d, 1822.

The messages were severally read.

On motion,

The message nominating Frederick Jenkins was considered by unanimous consent; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

On motion,

The message nominating Henry A. S. Dearborn, and others, to offices, was considered by unanimous consent; and

Ordered, That it be referred to the Committee on Commerce and Manufactures, to consider and report thereon.

The Senate proceeded to consider the nominations of George Graham, and James H. Peck, contained in the message of the 29th ultimo; and,

On motion,

Ordered, That they lie on the table.

The Senate resumed the consideration of the nomination of Charles Dewey, contained in the message of the 15th February; and

Ordered, That it lie on the table.

Mr. Smith, from the Committee on the Judiciary, to which was referred the documents adverse to the appointment of Charles J. Ingersoll, to be District Attorney for the Eastern district of Pennsylvania; and, also, to which was recommitted the nomination of said Ingersoll, made a report, accompanied by the following resolution:

Resolved, That the Senate do advise and consent to the appointment of Charles J. Ingersoll, to be District Attorney of the United States for the Eastern district of Pennsylvania.

The report and resolution were read.

FRIDAY, APRIL 5, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I withdraw the nomination of Paul Baillio, now before the Senate.

JAMES MONROE.

April 4th, 1822.

To the Senate of the United States:

I nominate Hugh Davis, to be Marshal for the Western district of Pennsylvania.

James B. Cooper, late an acting Lieutenant, to be Lieutenant in the United States' Navy.

JAMES MONROE.

April 4th, 1822.

The messages were severally read.

Ordered, That they lie for consideration.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to whom was referred the message nominating Henry A. S. Dearborn, and others, to offices, reported. Whereupon,

Resolved, That the Senate do advise and consent to the appointments of Henry A. S. Dearborn, Thomas Melville, Hezekiah Prince, Joseph Carr, and William D. Harrison, agreeably to the nominations respectively.

The Senate resumed the consideration of the nomination of Charles Dewey, contained in the message of the 15th February; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate resumed the consideration of the nomination of James H. Peck, contained in the message of the 29th March; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate resumed the consideration of the nomination of Charles J. Ingersoll, contained in the message of the 21st December, together with the report of the Committee on the Judiciary thereon; and,

On motion by Mr. Findlay,

Ordered, That it be postponed until Monday next.

The Senate resumed the consideration of the nomination of Asa Andrews, as contained in the message of the 7th January; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

MONDAY, APRIL 8, 1822.

The Senate resumed the consideration of the nomination of Charles J. Ingersoll, as contained in the message of the 21st December last; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the nomination of Hugh Davis, as contained in the message of the 5th instant; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

WEDNESDAY, APRIL 10, 1822.

On motion by Mr. Pleasants,

Resolved, That the Secretary of the Navy be instructed to communicate to the Senate, as soon as practicable, information on the following points: In what situations, and for what reasons, acting appointments of officers are made in the Navy Department; whether it is common for such appointments to extend beyond a session of Congress; whether an officer placed by an acting appointment in an advanced grade, receives the pay and emoluments of such grade; and whether such officer, nominated to the Senate, and rejected, will revert to his prior rank and station?

FRIDAY APRIL 12, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

Having cause to infer, that the reasons which led to the construction which I gave to the act of the last session, entitled "An act to reduce and fix the Peace Establishment of the United States," have not been well understood, I consider it my duty to explain more fully the view which I took of that act; and of the principles on which I executed the very difficult and important duty enjoined on me by it.

To do justice to the subject, it is thought proper to show the actual state of the army before the passage of the late act; the force in service; the several corps of which it was composed; and the grades, and number of officers commanding it. By seeing distinctly the body in all its parts, on which the law operated; viewing, also, with a just discrimination, the spirit, policy, and positive injunctions of that law, with reference to precedents established in a former analogous case, we shall be enabled to ascertain, with great precision, whether these injunctions have, or have not, been strictly complied with.

By the act of the 3d of March, 1815, entitled "An act fixing the Military Peace Establishment of the United States," the whole force in service was reduced to 10,000 men, Infantry Artillery, and Riflemen, exclusive of the corps of Engineers, which was retained in its then state. The regiment of Light Artillery was retained as it had been organized by the act of 3d March, 1814. The Infantry was formed into 9 regiments, one of which consisted of Riflemen. The regiments of Light Artillery, Infantry, Riflemen, and corps of Engineers, were commanded, each, by a Colonel, Lieu-

tenant Colonel, and the usual battalion and company officers; and the battalions of the corps of Artillery, of which there were eight—four for the northern, and four for the southern division, were commanded by Lieutenant Colonels, or Majors, there being four of each grade. There were, therefore, in the army, at the time the late law was passed, twelve Colonels belonging to those branches of the military establishment. Two Major Generals, and four Brigadiers were likewise retained in service by this act: but the Staff, in several of its branches, not being provided for, and being indispensable, and the omission inadvertent, proceeding from the circumstances under which the act was passed, being at the close of the session, at which time intelligence of the peace was received; it was provisionally retained by the President, and provided for afterwards by the act of the 24th April, 1816. By this act the Ordnance Department was preserved, as it had been organized by the act of February 8, 1815, with one Colonel, one Lieutenant Colonel, two Majors, ten Captains, and ten First, Second, and Third Lieutenants. One Adjutant and Inspector General of the Army, two Adjutant Generals, one for the northern, and one for the southern division, were retained. This act provides, also, for a Paymaster General, with a suitable number of regimental and battalion Paymasters, as a part of the general Staff, constituting the Military Peace Establishment; and the Pay Department, and every other branch of the Staff, were subjected to the rules and articles of war.

By the act of March 2d, 1821, it was ordained that the Military Peace Establishment should consist of four regiments of Artillery, and of seven of Infantry, with such officers of Engineers, Ordnance, and Staff, as were therein specified. It is provided that each regiment of Artillery should consist of one Colonel, one Lieutenant Colonel, one Major, and nine companies, with the usual company officers; one of which to be equipped as Light Artillery; and that there should be attached to each regiment of Artillery one supernumerary Captain, to perform ordnance duty; thereby merging the regiment of Artillery and Ordnance Department into these four regiments. It was provided, also, that each regiment of Infantry should consist of one Colonel, one Lieut. Colonel, one Major, and ten Companies with the usual company officers. The corps of Engineers, Bombardiers excepted, with the Topographical Engineers, and their assistants, were to be retained under the existing organization. The former establishment, as to the number of Major Generals, and Brigadiers, was curtailed one-half, and the office of Inspector and Adjutant General to the Army, and of Adjutant General to each division, annulled; and that of Adjutant General to the Army instituted. The Quartermaster, Paymaster, and Commissary Departments, were also specially provided for, as was every other branch of the Staff; all of which received a new modification, and were subjected to the rules and articles of war.

The immediate and direct operation of this act on the Military Peace Establishment of 1815, was that of reduction; from which no officer belonging to it was exempt, unless it might be the Topographical Engineers; for, in retaining the corps of Engineers, as was manifest, as well by the clear import of the section relating to it, as by the provisions of every other clause of the act, reference was had to the organization, and not to the officers of the corps. The establishment of 1815 was reduced from 10 to about 6000 men. The eight battalions of Artillery, constituting what was called the corps of Artillery, and the regiment of Light Artillery, as established by the act of 1815. were to be incorporated together, and formed into four new

regiments. The regiments of Infantry were to be reduced from nine to seven—the Rifle regiment being broken. Three of the general officers were to be reduced, with very many of the officers belonging to the several corps of the Army, and particularly of the Infantry. All the provisions of the act declare of what number of officers and men the several corps, provided for by it, should thenceforward consist; and not that any corps, as then existing, or any officer of any corps, unless the Topographical Engineers were excepted, should be retained. Had it been intended to reduce the officers by corps, or to exempt the officers of any corps from the operation of the law, or, in the organization of the several new corps, to confine the selection of the officers, to be placed in them, to the several corps of the like kind, then existing, and not extend it to the whole military establishment, including the Staff; or to confine the reduction to a proportional number of each corps, and of each grade in each corps, the object, in either instance, might have been easily accomplished, by a declaration to that effect. No such declaration was made, nor can such intention be inferred. We see, on the contrary, that every corps of the Army and Staff was to be re-organized, and most of them reduced in officers and men; and that, in arranging the officers from the old to the new corps, full power was granted to the President, to take them from any and every corps of the former establishment, and place them in the latter. In this latter grant of power, it is proper to observe, that the most comprehensive terms that could be adopted, were used; the authority being to cause the arrangement to be made from the officers of the several *corps* then in the service of the United States, comprising, of course, every corps of the Staff, as well as of Artillery and Infantry, and not from the *corps of troops*, as in the former act, and without any limitation as to grades.

It merits particular attention, that, although the object of this latter act was reduction, and such its effect on an extensive scale, five new offices were created by it—four of the grade of Colonel, for the four regiments of Artillery, and that of Adjutant General for the Army. Three of the first mentioned were altogether new, the corps having been newly created; and although one officer of that grade, as applicable to the corps of Light Artillery, had existed, yet, as that regiment was reduced, and all its parts re-organized in another form, and with other duties, being incorporated into the four new regiments, the commander was manifestly displaced, and incapable of taking the command of either of the new regiments, or any station in them, until he should be authorized to do so by a new appointment. The same remarks are applicable to the office of Adjutant General to the Army. It is an office of new creation, differing from that of Adjutant and Inspector General, and likewise from that of Adjutant General to a division, which were severally annulled. It differs from the first in title, rank, and pay; and from the two latter, because they had been created by law, each for a division; whereas, the new office, being instituted without such special designation, could have relation only to the whole Army. It was manifest, therefore, that neither of those officers had any right to this new station, nor to any other station, unless he should be specially appointed to it—the principle of reduction being applicable to every officer in every corps. It is proper, also, to observe, that the duties of Adjutant General, under the existing arrangement, correspond, in almost every circumstance, with those of the late Adjutant and Inspector General, and not with those of an Adjutant General of a division.

To give effect to this law, the President was authorized, by the 12th section, to cause the officers, non-commissioned officers, artificers, musicians, and privates of the several corps, then in the service of the United States, to be arranged in such manner as to form and complete out of the same, the force thereby provided for, and to cause the supernumerary officers, non-commissioned officers, artificers, musicians, and privates, to be discharged from the service.

In executing this very delicate and important trust, I acted with the utmost precaution. Sensible of what I owed to my country, I felt strongly the obligation of observing the utmost impartiality in selecting those officers who were to be retained. In executing this law, I had no personal object to accomplish, or feeling to gratify—no one to retain—no one to remove. Having, on great consideration, fixed the principles on which the reduction should be made, I availed myself of the example of my predecessor, by appointing, through the proper Department, a Board of General Officers to make the selection, and whose report I adopted.

In transferring the officers from the old to the new corps, the utmost care was taken to place them in the latter, in the grades and corps to which they had respectively belonged in the former, so far as it might be practicable. This, though not enjoined by the law, appearing to be just and proper, was never departed from, except in peculiar cases, and under imperious circumstances.

In filling the original vacancies in the Artillery, and in the newly created office of Adjutant General, I considered myself at liberty to place in them any officer belonging to any part of the whole Military Establishment, whether of the staff or line. In filling original vacancies, that is, offices newly created, it is my opinion, as a general principle, that Congress have no right, under the Constitution, to impose any restraint, by law, on the power granted to the President, so as to prevent his making a free selection of proper persons for these offices from the whole body of his fellow-citizens. Without, however, entering here into that question, I have no hesitation in declaring it as my opinion, that the law fully authorized a selection from any branch of the whole Military Establishment of 1815. Justified, therefore, as I thought myself, in taking that range, by every the highest sanction, the sole object to which I had to direct my attention was the merit of the officers to be selected for those stations. Three Generals of great merit were either to be dismissed, or otherwise provided for. The very gallant and patriotic defender of New Orleans had intimated his intention to retire; but, at my suggestion, expressed his willingness to accept the office of Commissioner to receive the cession of the Floridas, and of Governor, for a short time, of that Territory. As to one, therefore, there was no difficulty. For the other two, provision could only be made in the mode which was adopted. Gen. Macomb, who had signalized himself in the defence of Plattsburg, was placed at the head of the corps of Engineers, to which he had originally belonged, and in which he had acquired great experience—Col. Armistead, then at the head of that corps, having voluntarily accepted one of the new regiments of Artillery, for which he possessed very suitable qualifications. Gen. Atkinson, likewise an officer of great merit, was appointed to the newly created office of Adjutant General. Brevet Gen. Porter, an officer of great experience, in the Artillery, and merit, was appointed to the command of another of those regiments. Col. Fenwick, then the oldest Lieut. Col. of Artillery, and who had suffered much in the late

war, by severe wounds, was appointed to a third; and Col. Towson, who had served with great distinction in the same corps, and been twice brevetted for his gallantry in the late war, was appointed to the last remaining one. Gen. Atkinson having declined the office of Adjutant General, Col. Gadsden, an officer of distinguished merit, and believed to possess qualifications suitably adapted to it, was appointed in his stead. In making the arrangement, the merits of Col. Butler and Col. Jones were not overlooked. The former was assigned to the place which he would have held in the line, if he had retained his original lineal commission; and the latter to his commission in the line, which he had continued to hold with his staff appointment.

That the reduction of the Army, and the arrangement of the officers from the old to the new Establishment, and the appointments referred to, were, in every instance, strictly conformable to law, will, I think, be apparent. To the arrangement, generally, no objection has been heard: it has been made, however, to the appointments to the original vacancies, and particularly to those of Col. Towson and Col. Gadsden. To those appointments, therefore, further attention is due. If they were improper, it must be either that they were illegal, or that the officers did not merit the offices conferred on them. The acknowledged merit of the officers, and their peculiar fitness for the offices to which they were respectively appointed, must preclude all objection on that head. Having already suggested my impression that, in filling offices newly created, to which, on no principle whatever, any one could have a claim of right, Congress could not, under the Constitution, restrain the free selection of the President from the whole body of his fellow-citizens, I shall only further remark, that if that impression is well founded, all objection to these appointments must cease. If the law imposed such restraint, it would, in that case, be void. But, according to my judgment, the law imposed none. An objection to the legality of those appointments must be founded, either on the principle that those officers were not comprised within the corps then in the service of the United States, that is, did not belong to the Peace Establishment, or that the power granted by the word "arrange," imposed on the President the necessity of placing in these new offices, persons of the same grade only from the old. It is believed that neither objection is well founded. Col. Towson belonged to one of the corps then in the service of the United States; or, in other words, of the Military Peace Establishment. By the act of 1815-16, the Pay Department, of which the Paymaster General was the chief, was made one of the branches of the Staff, and he, and all those under him, were subjected to the rules and articles of war. The appointment, therefore, of him, and especially to a new office, was strictly conformable to law.

The only difference between the fifth section of the act of 1815, for reducing the army, and the 12th section of the act of 1821, for still further reducing it, by which the power to carry those laws into effect, was granted to the President in each instance, consists in this—that, by the former, he was to cause the arrangement to be made of the officers, non-commissioned officers, musicians, and privates of the several *corps of troops* then in the service of the United States; whereas, in the latter, the term *troops* was omitted. It cannot be doubted that that omission had an object, and that it was thereby intended to guard against misconstruction in so very material and important a circumstance, by authorizing the application of the act, unequivocally, to every corps of the staff, as well as of the line. With that word, a much wider range was given to the act of 1815, on the reduction

which then took place, than under the last act. The omission of it from the last act, together with all the sanctions which were given by Congress to the construction of the law, in the reduction made under the former, could not fail to dispel all doubt as to the extent of the power granted by the last law, and of the principles which ought to guide, and on which it was thereby made the duty of the President to execute it. With respect to the other objection, that is, that officers of the same grade only ought to have been transferred to these new offices, it is equally unfounded. It is admitted that officers may be taken from the old corps, and reduced and arranged in the new in inferior grades, as was done under the former reduction. This admission puts an end to the objection in this case; for, if an officer may be reduced and arranged from one corps to another, by an entire change of grade, requiring a new commission and a new nomination to the Senate, I see no reason why an officer may not be advanced in like manner. In both instances, the grade in the old corps is alike disregarded. The transfer from it to the new, turns on the merit of the party; and, it is believed, that the claim in this instance is felt by all with peculiar sensibility. The claim of Col. Towson is the stronger, because the arrangement of him to the office to which he is now nominated, is not to one from which any officer has been removed, and to which any other officer may, in any view of the case, be supposed to have had a claim. As Col. Gadsden held the office of Inspector General, and as such was acknowledged by all to belong to the staff of the army, it is not perceived on what ground his appointment can be objected to.

If such a construction is to be given to the act of 1821, as to confine the transfer of officers from the old to the new establishment, to the *corps of troops*, that is, to the line of the army, the whole staff of the army, in every branch, would not only be excluded from any appointment in the new establishment, but altogether disbanded from the service. It would follow, also, that all the officers of the staff, under the new arrangement, must be filled by officers, belonging to the new establishment, after its organization, and their arrangement in it. Other consequences, not less serious, would follow. If the right of the President to fill these original vacancies by the selection of officers from any branch of the whole military establishment, was denied, he would be compelled to place in them, officers of the same grade, whose corps had been reduced, and they with them. The effect, therefore, of the law, as to those appointments, would be, to legislate into office men who had been already legislated out of office, taking from the President all agency in their appointment. Such a construction would not only be subversive of the obvious principles of the Constitution, but utterly inconsistent with the spirit of the law itself; since it would provide offices for a particular grade, and fix every member of that grade in those offices, at a time when every other grade was reduced, and among them Generals and other officers of the highest merit. It would also defeat every object of selection, since Colonels of Infantry would be placed at the head of Regiments of Artillery; a service in which they might have had no experience, and for which they might in consequence be unqualified.

Having omitted in the message to Congress, at the commencement of the session, to state the principles on which this law had been executed, and having imperfectly explained them in the message to the Senate of the 17th of January last, I deem it particularly incumbent on me, as well from a motive of respect to the Senate, as to place my conduct in the duty imposed on me by that act, in a clear point of view, to make this communication at

this time. The examples, under the law of 1815, whereby officers were reduced, and arranged from the old corps to the new, in inferior grades, fully justify all that has been done under the law of 1821. If the power to arrange, under the former law, authorized the removal of one officer from a particular station, and the location of another in it, reducing the latter from a higher to an inferior grade, with the advice and consent of the Senate, it surely justifies, under the latter law, the arrangement of these officers, with a like sanction, to offices of new creation, from which no one had been removed, and to which no one had a just claim. It is on the authority of these examples, supported by the construction which I gave to the law, that I have acted in the discharge of this high trust. I am aware, that many officers of great merit, having the strongest claims on their country, have been reduced, and others dismissed; but, under the law, that result was inevitable. It is believed that none have been retained, who had not, likewise, the strongest claims to the appointments which have been conferred on them. To discriminate between men of acknowledged merit, especially in a way to affect so sensibly and materially their feelings and interests, for many of whom I have personal consideration and regard, has been a most painful duty; yet I am conscious that I have discharged it with the utmost impartiality. Had I opened the door, to change, in any case, even where error might have been committed, against whom could I afterwards have closed it, and into what consequences might not such a proceeding have led? The same remarks are applicable to the subject in its relation to the Senate, to whose calm and enlightened judgment, with these explanations, I again submit the nominations which have been rejected.

JAMES MONROE.

April 13th, 1822.

To the Senate of the United States:

I renominate Nathan Towson, to be Colonel of the 2d regiment of Artillery.

James Gadsden, to be Adjutant General of the Army of the United States.

JAMES MONROE.

April 12th, 1822.

The messages were severally read; and,

On motion,

Ordered, That they be severally referred to the Committee on Military Affairs, to consider and report thereon; and that they be printed for the use of the Senate, under an injunction of secrecy.

On motion,

Ordered, That the message of the 21st January last, nominating to promotions and appointments in the Army, be recommitted to the Committee on Military Affairs, further to consider and report thereon; and that it be reprinted for the use of the Senate, under an injunction of secrecy.

On motion,

Ordered, That the message of the 26th March, withdrawing certain nominations to appointments in the Army, be referred to the Committee on Military Affairs, to consider and report thereon; and that it be printed for the use of the Senate, under an injunction of secrecy.

On motion by Mr. Williams, of Tennessee,

Resolved, That the President of the United States be requested to cause to be laid before the Senate, the original proceedings of the Board of Gene-

ral Officers charged with the reduction of the Army under the act of the 2d March, 1821; together with all communications to and from said Board, on the subject of reducing the Army, including the case submitted to the Attorney General, and his opinion thereon.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. Williams, of Tennessee,

Ordered, That the letter from the Secretary of War to Mr. Eustis, Chairman of the Committee on Military Affairs of the House of Representatives, dated 29th January last, on the subject of certain Military appointments, be printed for the use of the Senate, under an injunction of secrecy.

MONDAY, APRIL 15, 1822.

The President communicated a letter from the Secretary of the Navy, in answer to a resolution of the Senate of the 10th instant, for information respecting acting appointments in the Navy; which was read; and,

On motion,

Ordered, That it be referred to the Committee on Naval Affairs, to consider and report thereon.

The five following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate William P. Duvall, of Kentucky, to be Governor of the Floridas, and George Walton, of Georgia, to be Secretary for the same.

John Branch, of North Carolina, and Joseph L. Smith, of Connecticut, to be Judges; the former for the District of West, the latter of East Florida.

Alexander Hamilton, of New York, and Tipton B. Harrison, to be Attorneys of the United States; the former for the District of East Florida, and the latter for that of West Florida.

W. G. D. Worthington and James G. Forbes, to be Marshals; the former for East, and the latter for West Florida.

JAMES MONROE.

April 14th, 1822.

To the Senate of the United States:

I nominate Henry Dodge, to be Marshal for the District of Missouri, and Joshua Barton, to be Attorney for the same.

James D. Waistcot, to be Collector of the Customs and Inspector of the Revenue, for the district of Bridgetown, in the State of New Jersey.

JAMES MONROE.

April 6th, 1822.

To the Senate of the United States:

I nominate Miles King, of Norfolk, Virginia, and John Robertson, of Charleston, South Carolina, to be Navy Agents; the former to reside at Norfolk, and the latter at Charleston.

Enoch G. Parrott, of New Hampshire, to be Navy Agent at Portsmouth, New Hampshire, and

William D. Simms, of the District of Columbia, to be Navy Agent at Pensacola.

April 14th, 1822.

JAMES MONROE.

To the Senate of the United States:

I nominate Jehu Hollingsworth, to be Consul of the United States at St. Eustatia.

JAMES MONROE.

April 14th, 1822.

To the Senate of the United States:

I nominate Jesse Hawley, to be Collector of the Customs, and Inspector of the Revenue, for the district of Genesee, in the State of New York.

JAMES MONROE.

April 8th, 1822.

The messages were severally read.

On motion,

Ordered, That the nominations to be Custom House Officers, be referred to the Committee on Commerce and Manufactures, to consider and report thereon.

On motion,

Ordered, That the message nominating persons to be Navy Agents, be referred to the Committee on Naval Affairs, to consider and report thereon.

Ordered, That the other nominations lie for consideration.

TUESDAY, APRIL 16, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I withdraw the nomination of William P. Duvall, as Governor of the Floridas, now before the Senate, and I nominate William P. Duvall, to be Governor of the Territory of Florida.

JAMES MONROE.

April 15th, 1822.

The message was read.

Ordered, That it lie for consideration.

The Senate proceeded to consider the message of yesterday, nominating Jehu Hollingsworth to office; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the nomination of Henry Dodge, and Joshua Barton, as contained in the message of yesterday; and

Resolved, That they do advise and consent to the appointment of Joshua Barton, agreeably to the nomination.

On motion,

Ordered, That the nomination of Henry Dodge be referred to the Committee on the Judiciary, to consider and report thereon.

Mr. Lloyd submitted the following motion for consideration:

Resolved, That all nominations now made to the Senate, and those hereafter made, shall be committed to some one of the standing committees, for the purpose of examining and reporting to the Senate, if any person or persons so nominated have been in the public service, and the state of his or their accounts with the government.

On motion by Mr. Findlay,

To withdraw all the papers communicated to the Senate, relating to the nomination of Charles J. Ingersoll;

On motion,

Ordered, That said motion lie on the table.

WEDNESDAY, APRIL 17, 1822.

The Senate proceeded to consider the message of yesterday, nominating William P. Duvall to office; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate George Walton to be Secretary for the Territory of Florida.

John Branch, and Joseph L. Smith, to be Judges for the Superior Courts for the same. The former for the district including that part of the Territory known as West Florida; and the latter for the district including that part of the Territory known as East Florida.

Alexander Hamilton, and Tipton B. Harrison, to be Attorneys of the United States for the Territory of Florida; the former for that part of the Territory known as East Florida, and the latter for that part of the Territory known as West Florida.

W. G. D. Worthington, and James G. Forbes, to be Marshals; one for each of the Superior Courts; the former for that part of the Territory known as East Florida, and the latter for that part of the Territory known as West Florida.

I withdraw the nominations of George Walton, John Branch, Joseph L. Smith, Alexander Hamilton, Tipton B. Harrison, W. G. D. Worthington, and James G. Forbes, nominated to the Senate in a former message.

JAMES MONROE.

April 17th, 1822.

The message was read, and considered by unanimous consent.

Resolved, That the Senate do advise and consent to the appointment of John Branch, agreeably to the nomination.

On motion,

Ordered, That the nominations of Joseph L. Smith, and James G. Forbes be referred to the Committee on the Judiciary, to consider and report thereon.

The resolution yesterday submitted by Mr. Lloyd, respecting Executive nominations, was read; and

Ordered, That it pass to a second reading.

THURSDAY, APRIL 18, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

In compliance with the resolution of the Senate, of the 12th instant, requesting the President of the United States "to cause to be laid before the Senate, the original proceedings of the Board of General Officers charged with the reduction of the Army, under the act of the 2d of March, 1821; together with all communications to and from said Board, on the subject of reducing the Army, including the case submitted to the Attorney General,

and his opinion thereon," I now transmit a report from the Secretary of War, furnishing the information requested.

April 15th, 1822.

JAMES MONROE.

The message and accompanying documents were read.

On motion,

Ordered, That they be referred to the Committee on Military Affairs, to consider and report thereon.

SATURDAY, APRIL 20, 1822.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I transmit a letter from the Attorney General, on the subject of the resolution of the Senate, of the 12th instant, which I have received this day, and which, in consequence of his absence, was not communicated with the message of the 15th instant.

April 19th, 1822.

JAMES MONROE.

The message and letter were read.

The President communicated a letter from Samuel Moore, a member of the House of Representatives from the State of Pennsylvania, requesting that certain papers relative to certain allegations against Charles J. Ingersoll, may be returned to him; and the letter was read.

Mr. Findlay submitted the following motion for consideration:

Resolved, That Samuel Moore, Esq. be, and he is hereby permitted to withdraw the papers that were by him presented, in relation to certain objections that he stated against the confirmation of the nomination of Charles J. Ingersoll, as Attorney for the Eastern district of Pennsylvania; provided, that he leaves certified copies of such of the papers as the Committee on the Judiciary may deem necessary to be retained on the Executive files of the Senate.

Ordered, That the said motion lie on the table.

Mr. King, of New York, from the Committee on Foreign Relations, communicated an extract of a letter from John Forsyth, Minister in Spain, to the Secretary of State, of the 14th February, 1822, enclosing a translation of the last dictamen of the commission of the Cortes on the affairs of Spanish America; and the extract and enclosure were read.

On motion,

Ordered, That they be printed for the use of the Senate, under an injunction of secrecy.

MONDAY, APRIL 22, 1822.

The Senate proceeded to consider the nomination of James B. Cooper, as contained in the message of the 5th instant; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

TUESDAY, APRIL 23, 1822.

Mr. King, of New York, submitted the following motion for consideration:

Resolved, That the injunction of secrecy in relation to the communication called the dictamen, which has been printed confidentially for the use of the Senate, be taken off; provided the Executive consent thereto.

Ordered, That it lie on the table.

THURSDAY, APRIL 25, 1822.

Mr. Williams, of Tennessee, from the Committee on Military Affairs, to whom were referred the Army nominations, and the two messages of the President on that subject, made a report in writing. He also communicated the deposition of Daniel Parker, in relation to copies of certain papers having reference to the proceedings of the Board of General Officers on reducing the Army; and the report and deposition were read; and,

On motion,

Ordered, That they be printed for the use of the Senate, under an injunction of secrecy.

The Senate proceeded to consider the motion of the 23d instant; and the same having been amended, was agreed to as follows:

Resolved, That the injunction of secrecy, in relation to the communication called the "dictamen," which has been printed confidentially for the use of the Senate, be taken off.

The motion submitted on the 16th instant, by Mr. Lloyd, respecting Executive nominations, was read the second time; and,

On motion,

Ordered, That it lie on the table.

On motion by Mr. Lloyd,

Resolved, That the President of the United States be requested to communicate to the Senate, any information he may have, proper to be disclosed, from our Minister at Madrid, or from the Spanish Minister resident in this country, concerning the views of Spain relative to the recognition of the independence of the South American colonies, and of the dictamen of the Spanish Cortes.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the motion of the 20th instant, to permit Samuel Moore to withdraw certain papers; and,

On motion,

Ordered, That it lie on the table.

The Senate resumed the consideration of the message nominating George Walton, and others, to offices; and

Resolved, That they do advise and consent to the appointments of George Walton, Alexander Hamilton, and Tipton B. Harrison, agreeably to the nominations respectively.

Mr. Smith, from the Committee on the Judiciary, to which was referred the nomination of James G. Forbes, contained in the last mentioned message, reported.

Mr. Smith, from the Committee on the Judiciary, also reported on the nomination of Henry Dodge, as contained in the message of the 15th instant; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to which was referred the nomination of Jesse Hawley, as contained in the message of the 15th instant, reported; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

MONDAY, APRIL 29, 1822.

Mr. Williams, of Tennessee, laid on the table letters from the Secretary of War, enclosing the deposition and letter of General Winfield Scott, on the subject of certain proceedings of the Board of General Officers on the reduction of the Army; which were read.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary :

To the Senate of the United States:

I nominate J. C. Bronaugh, of Florida,

Henry M. Brackenridge, do

Richard Call, do

Edgar Macon, do

Edmund Law, do

Wm. M. Gibson, of St. Augustine,

Joseph M. Hernandez, of Florida,

John Miller, do

William Reynolds, do

Thomas Lytle, do

Bernardo Sigui, do

James R. Hanham, do

Joseph M. White, do

To be Members of the
Legislative Council, in the
Territory of Florida.

April 28th, 1822.

JAMES MONROE.

The message was read; and,

On motion,

Ordered, That it be referred to the Committee on the Judiciary, to consider and report thereon.

The Senate proceeded to consider the message of the 12th of April, nominating Nathan Towson and James Gadsden to Military appointments; together with the report of the Military Committee thereupon; and,

On the question, "Will the Senate advise and consent to the appointment of Nathan Towson, to be Colonel of the second Regiment of Artillery?"

It was determined in the negative: Yeas, 17; Nays, 25.

On motion,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Brown, of Louisiana, Brown, of Ohio, Eaton, Edwards, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, Knight, Lanman, Parrott, Rodney, Southard, Stokes, and Talbot.

Those who voted in the negative, are—Messrs. Barton, Benton, Chandler, Dickerson, Gaillard, Holmes, of Maine, King, of New York, Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams, of Mississippi, and Williams, of Tennessee.

On the question, "Will the Senate advise and consent to the appointment of James Gadsden, to be Adjutant General?"

It was determined in the negative: Yeas, 17; Nays, 25.

On motion,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Barbour, Brown, of Louisiana, Brown, of Ohio, Eaton, Edwards, Findlay, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, Knight, Lanman, Parrott, Rodney, Southard, Stokes, and Williams, of Mississippi.

Those who voted in the negative, are—Messrs. Barton, Benton, Chandler, Dickerson, Gaillard, Holmes, of Maine, King, of New-York, Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williams, of Tennessee.

So it was

Resolved, That the Senate do not advise and consent to the appointments of Nathan Towson and James Gadsden.

Mr. Pleasants, from the Committee on Naval Affairs, to whom was referred the message of the 15th instant, nominating Miles King, and others, to office, reported on the nominations of Miles King and Enoch G. Parrott.

Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Mr. Barbour submitted the following motion for consideration:

Resolved; That the injunction of secrecy be removed from the following documents, and the proceedings of the Senate thereon; and that they be printed for the use of the Senate: viz.

The President's message, dated 17th of January, 1822, submitting to the Senate a list of promotions and appointments in the Army.

The report of the Military Committee thereon, and the letter of the 29th of January, 1822, from the Secretary of War to the chairman of the Committee on Military Affairs of the House of Representatives.

The resolution of the Senate of the 8th of March, and the report of the Military Committee in compliance therewith.

The President's message, dated 26th of March, withdrawing such of the Military nominations as had not been finally acted on by the Senate.

The two messages of the President, of the 12th of April, 1822, renominating Colonels Towson and Gadsden, and his reasons therefor.

The report of the Military Committee on said messages.

The commissions of the Paymasters General.

The deposition of General Parker.

A letter from General Brown to General Atkinson, and General Atkinson's answer thereto.

The letters from the Secretary of War to the chairman of the Committee on Military Affairs, covering the letter and deposition of General Scott.

A letter from General Smyth to General Scott.

A copy of the act of the 2d of March, 1821, for reducing and fixing the Military Peace Establishment.

TUESDAY, APRIL 30, 1822.

Mr. Williams, of Tennessee, communicated the certificates of General Scott, and of Joshua Cushman and John Russ; which were read.

The Senate proceeded to consider the motion of yesterday, for removing the injunction of secrecy from certain proceedings of the Senate in its executive capacity, and for printing the same; and the motion having been amended, so as to include the printing of the last mentioned documents, was agreed to.

On motion,

Ordered, That four hundred copies of said proceedings be printed for the use of the Senate, in addition to the usual number.

Mr. Smith, from the Committee on the Judiciary, to which was referred

the nomination of Joseph L. Smith, as contained in the message of the 17th instant, made a report, in writing; which was read; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

Mr. Rodney submitted the following motion for consideration:

Resolved, That a copy of every paper which shall hereafter be printed by order of the Senate, under the usual injunction of secrecy, be furnished to the President of the United States.

On motion by Mr. Johnson, of Kentucky,

Ordered, That the original proceedings of the Board of General Officers charged with the reduction of the Army, communicated to the Senate, by the President, on the 18th instant, be returned.

WEDNESDAY, MAY 1, 1822.

On motion,

Leave was given to Mr. Edwards, and Mr. Southard, to vote on the questions to advise and consent to the appointments of Colonels Towson and Gadsden, on the 29th of April, who, when their names were called, voted in the affirmative; and also, to Mr. Van Dyke, who, when his name was called, voted in the negative; and,

On motion,

Ordered, That the Journal of the 29th of April, be amended accordingly.

Mr. Barbour submitted the following motion for consideration:

Resolved, That the injunction of secrecy be taken off, in relation to the proceedings of the Senate on the reductions of the Army, under the acts of 1802 and 1815; and that such members of the Senate as shall apply for the same shall be furnished with extracts thereof.

The three following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate James Glentworth, to be Surveyor of the Customs, and Inspector of the Revenue, for the port of Philadelphia.

Ebenezer Elmer, to be Collector of the Customs, and Inspector of the Revenue, for the district of Bridgetown, New Jersey, vice James D. Waistcot, whose commission has expired, and whose nomination, now before the Senate, I hereby withdraw.

Frederick Miller, to be Collector of the Customs, and Inspector of the Revenue, for the district of Blakeley, State of Alabama.

Samuel White, to be Collector of the Customs, and Inspector of the Revenue, for the district of Pearl River, in the State of Mississippi.

John T. Vernon, to be Surveyor of the Customs, and Inspector of the Revenue, for the port of Albany, New York.

April 30th, 1822.

JAMES MONROE.

To the Senate of the United States:

I nominate James Williams, to be Collector of the Customs, and Inspector of the Revenue, for the district of Sandusky, State of Ohio.

May 1st, 1822.

JAMES MONROE.

To the Senate of the United States:

I nominate to the Senate, Evariste Mauri, to be Consul of the United States, for the port of Syracuse.

April 24th, 1822.

JAMES MONROE.

The messages were severally read; and,

On motion,

Ordered, That the two first mentioned messages be referred to the Committee on Commerce and Manufactures, to consider and report thereon.

Ordered, That the message nominating Evariste Mauri, lie for consideration.

THURSDAY, MAY 2, 1822.

The Senate proceeded to consider the motion of yesterday, for removing the injunction of secrecy from certain proceedings of the Senate, in their executive capacity; which was modified and agreed to, as follows:

Resolved, That the injunction of secrecy be taken off, in relation to the message of the President of the United States, of the 25th of March, 1802, containing the nominations for the transfers, promotions, and appointments, under the act of that year, fixing the Military Peace Establishment, and the proceedings thereon in the Senate, on the 26th March;

The message of the President, of the 31st March, 1802, revoking certain nominations, and making certain other nominations to the Army, and the proceedings of the Senate of that day on that subject;

The proceedings of the Senate, of the 1st, 2d, and 3d of April, 1802, on the same subject;

The message of the President, of the 7th April, 1802, making certain nominations to the Army, and the proceedings of the Senate of that day, and of the 8th April, thereon;

So much of the message of the President, of the 27th April, 1802, as relates to Army nominations, and the proceedings of the Senate thereon, of the 29th of April, and of the 1st and 3d of May; and, also, the whole of the proceedings of the Senate, in relation to the reduction of the Army, under the act of 1815; and that such members of the Senate as shall apply for the same, be furnished with extracts thereof.

Mr. Barbour submitted the following motion for consideration:

Ordered, That the report of the Military Committee, on the message of the President, nominating persons to promotions and appointments in the Army, made on the 11th January, 1816, be printed for the use of the Senate.

The Senate proceeded to consider the motion of the 30th of April, to furnish the President of the United States with a copy of all confidential printing; and,

On motion,

Ordered, That it lie on the table.

The Senate resumed the consideration of the motion of the 20th of April, to permit Samuel Moore to withdraw certain papers; and the same having been modified, was agreed to, as follows:

Resolved, That the injunction of secrecy be taken off, in relation to the proceedings of the Senate, on the nomination of C. J. Ingersoll, as Attorney for the Eastern district of Pennsylvania.

The Senate proceeded to consider the message of yesterday, nominating Evariste Mauri, to office; and,

Ordered, That it be referred to the Committee on Foreign Relations, to consider and report thereon.

The Senate resumed the consideration of the nomination of James G. Forbes, contained in the message of the 17th of April; and,

On motion,

Ordered, That it lie on the table.

The Senate resumed the consideration of the nomination of George Graham, contained in the message of the 29th of March; and,

On motion,

Ordered, That it be referred to the Committee on the District of Columbia, to consider and report thereon.

FRIDAY, MAY 3, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate to the Senate, Louis Mark, of New York, to be Consul of the United States at Ostend, in France.

JAMES MONROE.

May 3d, 1822.

To the Senate of the United States:

I nominate Henry Dearborn, Sen., of Massachusetts, to be Envoy Extraordinary and Minister Plenipotentiary of the United States, to the kingdom of Portugal.

JAMES MONROE.

May 3d, 1822.

The messages were severally read.

Ordered, That they lie for consideration.

The Senate resumed the consideration of the nomination of W. G. D. Worthington, contained in the message of the 17th of April; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

Mr. Smith, from the Committee on the Judiciary, to which was referred the message of the 29th April, nominating J. C. Bronaugh, and others, to offices, reported.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to which was referred the message of the 1st instant, nominating James Glentworth, and others, to offices, reported. Whereupon,

Resolved, That the Senate do advise and consent to the appointments of James Glentworth, Ebenezer Elmer, Frederick Miller, and Samuel White, agreeably to the nominations respectively.

Mr. Dickerson, from the same Committee, to which was referred the nomination of James Williams, contained in the message of the 1st May, reported. Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the motion of yesterday, for removing the injunction of secrecy from certain Executive proceedings; and the same having been modified,

It was agreed to take the question on the passage thereof by yeas and nays.

On motion,

Ordered, That the consideration thereof be postponed until to-morrow.

SATURDAY, MAY 4, 1822.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I withdraw the nomination of James G. Forbes, now before the Senate.
JAMES MONROE.

May 4th, 1822.

To the Senate of the United States:

I withdraw the nominations for the Legislative Council, in the Territory of Florida, now before the Senate.

I nominate J. C. Bronaugh, Henry M. Brackenridge, Richard Call, Edgar Macon, Edmund Law, William M. Gibson, Joseph M. Hernandez, John Miller, William Reynolds, Thomas Lytle, Bernardo Sigui, James R. Hanham, Joseph M. White, to be members of the Legislative Council, in the Territory of Florida.

Most of these citizens are actually residents in Florida, and the others are moving there, with intention to be present at the time appointed for the meeting of the Council.

JAMES MONROE.

May 4th, 1822.

The messages were severally read; and,

On motion,

The message nominating J. C. Bronaugh, and others, to be members of the Legislative Council of Florida, was considered by unanimous consent; and

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Mr. King, of New-York, from the Committee on Foreign Relations, to which was referred the nomination of Evariste Mauri, as contained in the message of the 1st instant, reported. Whereupon,

Resolved, That the Senate do not advise and consent to the appointment.

Mr. Dickerson, from the Committee on Commerce and Manufactures, to which was referred the message of the 1st instant, nominating James Glentworth, and others, to offices, further reported on the nomination of John T. Vernon; and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

The Senate took into consideration the message of yesterday, nominating Henry Dearborn, Sen., to office; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

On motion,

It was agreed to reconsider the last mentioned vote; and

Ordered, That the nomination be postponed until Monday next.

The two following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate to the Senate, George W. Hubbel, of Connecticut, as Consul of the United States at Manilla, vice Andrew Stuart.

JAMES MONROE.

May 4th, 1822.

To the Senate of the United States:

I nominate the persons whose names are stated in the list annexed to the enclosed letter from the Secretary of War, for the appointments therein respectively proposed for them.

JAMES MONROE.

May 4th, 1822.

WAR DEPARTMENT, May 4th, 1822.

SIR: I have the honor to lay before you, the annexed list of promotions and appointments in the Army of the United States.

I have the honor to be, Sir,

With perfect respect,

Your obedient servant,

J. C. CALHOUN.

The PRESIDENT of the United States.

Promotions and Appointments in the Army of the United States.

APPOINTMENTS.

Brevet Major Samuel B. Archer, Capt. 3d Artillery, to be Inspector General.

Nathan Towson, to be Paymaster General.

PROMOTIONS.

Corps of Engineers.

Brevet 2d Lieut. Edward H. Courtenay, to be 2d Lieut. 1st July, 1821, vice Donelson, resigned.

First Regiment of Artillery.

Lieut. Col. James House, to be Colonel, 14th April, 1822, vice Porter, deceased.

Brevet 2d Lieut. Washington Wheelright, to be 2d Lieut. 1st July, 1821, vice Vining, deceased.

Second Regiment of Artillery.

Major Abraham Eustis, to be Lieut. Col. 14th April, 1822, vice House, promoted.

Brevet 2d Lieut. David Wallace, to be 2d Lieut. 1st July, 1821, vice Buchanan, resigned.

Third Regiment of Artillery.

1st Lieut. Samuel Spotts, to be Capt. 14th April, 1822, vice Wilson, promoted.

2d Lieut. Samuel Ringgold, to be 1st Lieut. 14th April, 1822, vice Spotts, promoted.

Brevet 2d Lieut. John F. Scott, to be 2d Lieut. 1st July, 1821, vice Hamtramck, resigned.

Fourth Regiment of Artillery.

Brevet Col. John R. Fenwick, of the Light Artillery, to be Colonel, 1st June, 1821.

Captain W. Wilson, to be Major, 14th April, 1822, vice Eustis, promoted.

Brevet 2d Lieut. John B. Scott, to be 2d Lieut. 1st July, 1821, vice Hopkins, resigned.

Third Regiment of Infantry.

1st Lieut. W. G. Belknap, to be Captain, 1st February, 1822, vice Beard, resigned.

2d Lieut. Samuel W. Hunt, to be 1st Lieut. 1st Feb. 1822, vice Belknap, promoted.

Fourth Regiment of Infantry.

1st Lieut. Henry R. Dulany, to be Captain, 3d Feb. 1822, vice Humphrey, deceased.

2d Lieut. Jos. B. Shaw, to be 1st Lieut. 3d Feb. 1822, vice Dulany, promoted.

Fifth Regiment of Infantry.

1st Lieut. Delafayette Wilcox, to be Captain, 1st April, 1822, vice Percy, resigned.

2d Lieut. Christopher C. Hobart, to be 1st Lieut. 1st April, 1822, vice Wilcox, promoted.

Seventh Regiment of Infantry.

Major W. Bradford, of the Rifle, to be Captain, 6th July, 1812, with the Brevet rank of Major, 20th August, 1814.

2d Lieut. Pierce Butler, to be 1st Lieut. 1st March, 1822, vice Houston, resigned.

APPOINTMENTS.

Zina Pitcher, N. Y., to be Assistant Surgeon.

W. Eustis Langdon, N. H., to be Assistant Surgeon.

The messages were severally read.

On motion,

Ordered, That the last mentioned message be referred to the Committee on Military Affairs, to consider and report thereon.

Mr. Barbour, from the Committee on the District of Columbia, to which was referred the nomination of George Graham, as contained in the message of the 29th March, reported; and,

On the question, "Will the Senate advise and consent to this appointment?"

It was determined in the negative: Yeas, 15; Nays, 18.

On motion by Mr. Lanman,

The yeas and nays being desired by one-fifth of the Senators present:

Those who voted in the affirmative, are—Messrs. Barbour, Brown, of Louisiana, Brown, of Ohio, Holmes, of Mississippi, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, Parrott, Pleasants, Rodney, Seymour, Stokes, Taylor, Thomas, and Williams, of Mississippi.

Those who voted in the negative, are—Messrs. Barton, Benton, Chandler, Dickerson, Eaton, Findlay, Gaillard, Holmes, of Maine, King, of New York, Lanman, Lowrie, Macon, Smith, Talbot, Van Buren, Van Dyke, Walker, and Williams, of Tennessee.

So it was

Resolved, That the Senate do not advise and consent to the appointment of George Graham.

The Senate resumed the consideration of the nomination of Archibald Clarke, as contained in the message of the 7th of January; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

TUESDAY, MAY 7, 1822.

The three following written messages were received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate William H. Freeman, First Lieutenant, to be a Captain of Marines, vice Captain William L. Brownlow, deceased, 17th of July, 1821.

Christopher C. Floyd, Second Lieutenant, to be a First Lieutenant of Marines, vice Lieutenant William Nicoll, deceased, 24th March, 1821.

Charles Grymes, Second Lieutenant, to be a First Lieutenant of Marines, vice Lieutenant William H. Freeman, promoted 17th of July, 1821.

George D. Brewerton, Second Lieutenant, to be a First Lieutenant of Marines, vice Lieutenant Henry Olcott, deceased 17th September, 1821.

Ward Marston, Second Lieutenant, to be a First Lieutenant of Marines, vice Lieutenant Charles Lord, deceased, 30th October, 1821.

Charles C. Tupper, Second Lieutenant, to be a First Lieutenant of Marines, vice Lieutenant Henry E. Dix, deceased, 21st of January, 1822.

JAMES MONROE.

May 7th, 1822.

To the Senate of the United States:

I nominate Richard Douglass, of New Jersey; Job G. Williams, New York; Charles F. Spering, Pennsylvania; Alvin Edson, Vermont; Marcus M. Little, Massachusetts; Horatio N. Crabb, Pennsylvania; and John Lowrey, Kentucky; to be Second Lieutenants of the United States' Marine Corps.

JAMES MONROE.

May 7th, 1822.

To the Senate of the United States:

I nominate Benjamin Robertson, of North Carolina, to be Marshal for that part of the Territory of Florida, known as West Florida.

JAMES MONROE.

May 6th, 1822.

The messages were severally read, and considered by unanimous consent.

Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

The eight following written messages were also received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Thomas L. L. Brent, now Secretary of Legation at the Court of Madrid, to be Secretary of Legation at the Court of Lisbon.

John J. Appleton, late Secretary of Legation at the Court of Rio de Janeiro, to be Secretary of Legation at the Court of Madrid.

JAMES MONROE.

May 6th, 1822.

To the Senate of the United States:

I withdraw the nomination of Louis Mark, now before the Senate; and nominate Louis Mark, of New York, to be Consul at Ostend, in the Netherlands.

JAMES MONROE.

May 6th, 1822.

To the Senate of the United States:

I nominate William Clark, of Missouri, to be Superintendent of Indian Affairs at St. Louis.

Gad Humphreys, late of the Army, to be Agent for the Indian tribes within the limits of East and West Florida.

Henry R. Schoolcraft, of New York, to be Agent at Vincennes, vice William Prince, resigned, but to be transferred under the act of the 3d of March, 1819, to the Sault of St. Mary.

JAMES MONROE.

May 7th, 1822.

To the Senate of the United States:

I nominate Gideon Fitz, to be Register, and James C. Dickson, to be Receiver of Public Moneys, for the Land District composed of the lands lately ceded by the Choctaw Indians.

JAMES MONROE.

May 7th, 1822.

To the Senate of the United States:

I nominate Henry Thomas Dering, to be Collector of the Customs and Inspector of the Revenue for the district of Sag Harbor, State of New-York; vice Henry P. Dering, deceased.

JAMES MONROE.

May 7th, 1822.

To the Senate of the United States:

I nominate Ephraim H. Mahurin, to be Surveyor of the Customs, and Inspector of the Revenue for the port of White Mountains, in the district of Portsmouth.

Reuben Moores, to be Surveyor of the Customs, and Inspector of the Revenue for the port of Hudson, in the district of New York.

James Claypole, to be Surveyor of the Customs, and Inspector of the Revenue for the port of Chester, in the district of Baltimore.

John Chew, to be Surveyor of the Customs, and Inspector of the Revenue for the port of Havre de Grace, in the said district.

George W. Biscoe, to be Surveyor of the Customs, and Inspector of the Revenue for the port of Nottingham, in the district of Annapolis.

William A. Lenton, to be Surveyor of the Customs, and Inspector of the Revenue for the port of Dumfries, in the district of Tappahannock.

John S. Tapscott, to be Surveyor of the Customs, and Inspector of the Revenue for the port of Yeocomico, in the district aforesaid.

William Armstead, to be Surveyor of the Customs, and Inspector of the Revenue for the port of Hampton, in the district of Norfolk.

Willis W. Parker, to be Surveyor of the Customs, and Inspector of the Revenue for the port of South Quay, in the district aforesaid.

JAMES MONROE.

May 7th, 1822.

To the Senate of the United States:

I nominate Samuel Ayer, of Maine, to be Surveyor of the Customs, and Inspector of the Revenue for the district of Passamaquoddy.

JAMES MONROE.

May 7th, 1822.

To the Senate of the United States:

I withdraw the nomination of William Douglass Sims, now before the Senate.

JAMES MONROE.

May 7th, 1822.

The messages were severally read.

Ordered, That they lie for consideration.

The Senate took into consideration the message of the 4th instant, nominating George W. Hubbell to office; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

The Senate resumed the consideration of the message nominating Henry Dearborn, Sen., to office; and

Resolved, That they do advise and consent to the appointment, agreeably to the nomination.

Mr. Pleasants, from the Committee on Naval Affairs, to which was referred the message nominating Miles King, and others, to offices, further reported on the nomination of John Robertson; and

Resolved, That the Senate do not advise and consent to the appointment.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Joseph Elgar, of the District of Columbia, to be Commissioner of the Public Buildings, vice Samuel Lane, deceased.

JAMES MONROE.

May 7th, 1822.

The message was read; and,

On motion,

Ordered, That it be referred to the Committee on the District of Columbia, to consider and report thereon.

WEDNESDAY, MAY 8, 1822.

The Senate proceeded to consider the message of yesterday, nominating Thomas L. L. Brent, and John J. Appleton, to offices; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively.

Mr. Lanman, from the Committee on the District of Columbia, to which was referred the nomination of Joseph Elgar, to be Commissioner of the Public Buildings, reported.

Mr. Edwards communicated a letter from said Elgar, declaring his intention, if appointed Commissioner, of holding no other office or place; which was read; and

Ordered, That it lie on the table. Whereupon,

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

Mr. Williams, of Tennessee, from the Committee on Military Affairs, to which were referred the nominations to promotions and appointments in the Army, contained in the message of the fourth instant, made a report in writing; which was read; and,

On the question, "Will the Senate advise and consent to the promotion of 'Lieutenant Colonel James House, to be Colonel of the first regiment of Artillery, 14th of April, 1822, vice Porter, deceased?'" "

A division of the question was called for, and the vote was taken on the first member thereof, and determined in the affirmative.

The vote was then taken on the date of rank, and determined in the negative.

On the question, "Will the Senate advise and consent to the promotion of 'Major Abraham Eustis, to be Lieutenant Colonel of the second regiment of Artillery, 14th of April, 1822, vice House, promoted?'" "

A division of the question was called for, and the vote was taken on the first member thereof, and determined in the affirmative.

The vote was then taken on the date of rank, and determined in the negative.

On the question, "Will the Senate advise and consent to the promotion of 'Brevet Colonel John R. Fenwick, of the Light Artillery, to be Colonel of the fourth regiment of Artillery, 1st June, 1821?'" "

A division of the question was called for, and the vote was taken on the first member thereof, and determined in the affirmative.

The vote was then taken on the date of rank, and determined in the negative: Yeas, 8; Nays, 21.

On motion by Mr. Edwards,

The yeas and nays being desired by one-fifth of the Senators present: Those who voted in the affirmative, are—Messrs. Eaton, Edwards, Findlay, Holmes, of Mississippi, Johnson, of Louisiana, King, of Alabama, Parrott, and Rodney.

Those who voted in the negative, are—Messrs. Barton, Benton, Brown, of Ohio, Chandler, Dickerson, Gaillard, Holmes, of Maine, King, of New York, Lowrie, Macon, Morrill, Pleasants, Ruggles, Seymour, Taylor, Thomas, Van Buren, Walker, Ware, Williams, of Mississippi, and Williams, of Tennessee.

On the question, "Will the Senate advise and consent to the promotion of Major W. Bradford, of the Rifle, to be Captain of the seventh regiment of Infantry, 6th of July, 1812, with the brevet rank of Major, 20th of August, 1814?"

It was determined in the affirmative: Yeas, 20; Nays, 10.

On motion,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Brown, of Louisiana, Brown, of Ohio, Dickerson, Eaton, Edwards, Findlay, Holmes, of Mississippi, Johnson, of Louisiana, King, of Alabama, King, of New York, Lowrie, Macon, Parrott, Pleasants, Rodney, Seymour, Van Buren, Walker, Ware, and Williams, of Tennessee.

Those who voted in the negative, are—Messrs. Barton, Benton, Chandler, Gaillard, Holmes, of Maine, Morrill, Ruggles, Taylor, Thomas, and Williams, of Mississippi.

The other nominations in said message having been all advised and consented to by the Senate,

It was

Resolved, That the Senate do advise and consent to the promotions and appointments, agreeably to the nominations respectively; except the proposed dates of the rank of Colonels House, Eustis, and Fenwick, to which they do not advise and consent.

On motion by Mr. Edwards,

Ordered, That the injunction of secrecy be removed from the message of the President of the United States, of the 4th instant, nominating to promotions and appointments in the Army, and from the proceedings of the Senate thereupon.

The Senate proceeded to consider the nominations of Louis Mark, William Clarke, Gad Humphreys, Henry R. Schoolcraft, Gideon Fitz, James C. Dickson, Henry T. Dering, and Samuel Ayer, contained in the several messages of yesterday; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively.

The Senate proceeded to consider the message of yesterday, nominating Ephraim H. Mahurin, and others, to offices; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively; except that of Ephraim H. Mahurin; which was,

On motion,

Ordered, To lie on the table.

The following written message was received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate James P. Preston, Samuel R. Overton, and W. G. D. Worthington, to be Commissioners for deciding upon claims to lands in the Territory of Florida.

JAMES MONROE.

May 8th, 1822.

The message was read, and considered by unanimous consent.

Resolved, That the Senate do advise and consent to the appointments of James P. Preston and Samuel R. Overton, agreeably to the nominations respectively; and that they do not advise and consent to the appointment of W. G. D. Worthington.

The following written message was also received from the President of the United States, by Mr. Gouverneur, his Secretary:

To the Senate of the United States:

I nominate Nathaniel A. Ware, to be a Commissioner to decide upon land claims in the Territory of Florida.

JAMES MONROE.

May 8th, 1822.

The message was read, and, by unanimous consent, considered.

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.